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HIGHLIGHTS OF THIS ISSUE

This listing does not affect the legal status of any document published in this issue. Detailed table of contents appears inside.

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Title 9—ANIMALS AND ANIMAL PRODUCTS

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SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

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Correction

In F.R. Doc. 71-15372 appearing at page 20357 in the issue for Thursday, October 21, 1971, in the ninth line of the last paragraph of column 1, page 20358 the word "of" should read "or".

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 112—AMCHITKA NUCLEAR TEST

To avoid any unnecessary delay or interruption of the forthcoming CANNIKIN test on Amchitka, Alaska, the Atomic Energy Commission is issuing the following regulations which will be effective as indicated in § 112.5.

In view of the importance of this testing program to the national defense, and in view of the imminence of the CANNIKIN test, the Atomic Energy Commission has found that general notice of proposed rule-making and the public procedure thereon would be contrary to the public interest; and that good cause exists why these rules should be made effective without the customary period of notice.

Pursuant to the Administrative Procedure Act, as amended (5 U.S.C. sec. 551 et seq.), the following regulations are published as a document subject to codification, to be effective as indicated in § 112.5:

Sec.
112.1 Purpose.
112.2 Scope.
112.3 Definition.
112.4 Prohibition.
112.5 Effective period.

AUTHORITY: The provisions of Part 112 are issued under sec. 161p, 72 Stat. 337; 42 U.S.C. 2201(p). Interpret or apply secs. 2, 3, 91, 68 Stat. 921, as amended, 922, 936; 42 U.S.C. 2012, 2013, 2121.

§ 112.1 Purpose.

The regulations in this part are issued in order to permit the Atomic Energy Commission in the interest of the United States to exercise its authority pursuant to section 91a of the Atomic Energy Act of 1954, as amended, as efficiently and expeditiously as possible.

§ 112.2 Scope.

This part applies to all U.S. citizens and to all other persons subject to the jurisdiction of the United States, its territories and possessions.

§ 112.3 Definition.

As used in this part, the term "warning area" means that area consisting of a zone (encompassing Amchitka Island) which is a circle of 50 nautical miles radius extending from the surface to an altitude of 18,000 feet, centered at the following geographic coordinates: 51°25' N., and 179°10' E.

§ 112.4 Prohibition.

No U.S. citizen or other person who is within the scope of this part shall enter, attempt to enter, conspire to enter, or remain in the defined warning area (§ 112.3) during the effective period (§ 112.5) of the regulations in this part except with the express approval of appropriate officials of the Atomic Energy Commission, and, in the case of Amchitka Island, of the Atomic Energy Commission and the Department of the Interior.

§ 112.5 Effective period.

The regulations in this part are effective immediately and shall remain in effect until November 16, 1971, unless sooner terminated.

Dated at Germantown, Md., this 28th day of October 1971.

For the Atomic Energy Commission.

R. E. HOLLINGSWORTH

[FR Doc.71-15932 Filed 10-29-71;8:51 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70-WA-31D]

PART 75—ESTABLISHMENT OF JET ROUTES, AND AREA HIGH ROUTES

Designation of Area High Routes

On March 3, 1971, F.R. Doc. 71-2822 was published in the FEDERAL REGISTER (36 F.R. 4044) with an effective date of April 29, 1971, amending Part 75 by adding Area High Route J800R. F.R. Doc. 71-2822 (36 F.R. 4044) has been amended by F.R. Doc. 71-5781 (36 F.R. 7846), F.R. Doc. 71-11995 (36 F.R. 15743) and F.R. Doc. 71-14837 (36 F.R. 19672).

Subsequent to the publication of these amendments, the signal output of the Hector, Calif. VORTAC 206.2° radial has deteriorated to the extent that it can no longer be used to define the Morrow, Calif. waypoint. Action is taken herein to change the reference facility from Hector, Calif. to Oceanside, Calif. to define this waypoint.

Since this amendment is editorial in nature with no substantive change in the regulation, notice and public procedure thereon are unnecessary. However since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, F.R. Doc. 71-2822 (36 F.R. 4044, 7846, 15743, and 19672) is further amended, effective 0901 G.m.t., December 9, 1971, as hereinafter set forth.

In J800R "Morrow, Calif. 34 02 51/117 14 54 Hector, Calif." is deleted and "Morrow, Calif. 34 02 51/117 14 54 Oceanside, Calif." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on October 27, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-15821 Filed 10-29-71;8:46 am]

[Airspace Docket No. 71-WA-15]

PART 75—ESTABLISHMENT OF JET ROUTES, AND AREA HIGH ROUTES

Designation of Area High Routes

On September 17, 1971, F.R. Doc. No. 71-13618 was published in the FEDERAL REGISTER (36 F.R. 18576) which amended Part 75 of the Federal Aviation Regulations, effective November 11, 1971, by adding eight Pacific Gateway area high routes. This F.R. Doc. was amended on October 9, 1971 (36 F.R. 19672), in part, by changing the effective date of the amendment to Part 75 of the Federal Aviation Regulations to December 9, 1971.

Deterioration of signal strength on certain radials of the Hector, Calif., VORTAC has resulted in the requirement for a change of reference facilities for some of the waypoints in J944R, J945R, J947R, and J961R. Therefore, action is taken herein to further amend F.R. Doc. No. 71-13618 accordingly.

Since this amendment is minor in nature and no substantive change in either the route structure or the regulation is effected, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, effective upon publication in the FEDERAL REGISTER (10-30-71), F.R. Doc. No. 71-13618 (36 F.R. 18576) is further amended as hereinafter set forth.

a. In J944R "Morrow, Calif. 34 02 51/117 14 54 Hector, Calif." is deleted and "Morrow, Calif. 34 02 51/117 14 54 Oceanside, Calif." is substituted therefor.

b. In J945R "Palmdale, Calif. 34 37 53/118 03 47 Hector, Calif." is deleted and "Palmdale, Calif. 34 37 53/118 03 47 Palmdale, Calif." is substituted therefor.

c. In J947R "Palmdale, Calif. 34 37 53/118 03 47 Hector, Calif." is deleted and "Palmdale, Calif. 34 37 53/118 03 47 Palmdale, Calif." is substituted therefor.

d. In J961R "Palmdale, Calif. 34 37 53/118 03 47 Hector, Calif." is deleted and "Palmdale, Calif. 34 37 53/118 03 47 Palmdale, Calif." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on October 27, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-15822 Filed 10-29-71;8:47 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Economic Reg. ER-706; Amdt. 4]

PART 299—EXEMPTION OF AIR CARRIERS FROM CERTAIN REQUIREMENTS OF SECTION 408 OF THE FEDERAL AVIATION ACT

Certification Requirement

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 26th day of October 1971.

Section 299.3 of the Board's Economic Regulations requires, inter alia, that a duly authorized official of an air carrier seeking an exemption pursuant to Part 299 certify that the agreement as to which the exemption is being sought does not involve any of the prohibited relationships which are set forth in paragraph (a) of § 299.2. Under the heretofore existing rule, the certification as to the relationships set forth in paragraph (a)(4) of § 299.2 may be made upon the basis of best knowledge and belief; however, the other certifications must be unqualified.

It appears that, where the stock of an air carrier is widely held, it may not be feasible, in certain types of transactions, for an officer of the carrier to make all the unqualified certifications heretofore required by § 299.3, even though the substance of the transaction might appear to qualify for exemption under Part 299.[1] The Board is of the view that difficulties of this nature will be eliminated, and that no regulatory purpose will suffer, if all the certifications required by § 299.3 are permitted to be made upon the basis of best knowledge and belief.

Since the amendment contained herein involves no change in the substance of the Board's requirements, and since it makes less burdensome an already existing certification requirement, notice and public procedure hereon are unnecessary and the amendment may become effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 299 of the Economic Regulations (14 CFR Part 299), effective October 26, 1971, as follows:

Amend § 299.3 to read as follows:

§ 299.3 Filing requirements.

Two copies of the agreement * * *

The attached agreement was entered into on ----------, 19--, and is being filed with the Board by ---------- pursuant to Part 299 of the Board's Economic Regulations. In submitting this agreement, the undersigned herein certifies that such agreement (1) has been entered into after arm's length bargaining, and (2) to his best knowledge and belief and so far as he could reasonably determine does not involve any of the prohibited relationships set forth in paragraph (a) of § 299.2.

Insofar as applicable * * *

(Secs. 204 and 416 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 771; 49 U.S.C. 1324, 1386)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-15855 Filed 10-29-71;8:49 am]

[1] For example, in a recent application of American Airlines, Inc. for exemption from section 408 of the Act (Docket 22780, filed November 19, 1970), American stated that it was seeking a specific exemption, rather than relying on Part 299, because no official of American could make the required unqualified certifications. The transaction involved bank-financed lease arrangements, and American stated that none of its officials could make the required certification without an extensive search which would be burdensome and which, due to the circumstances, time did not permit.

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-2056]

PART 13—PROHIBITED TRADE PRACTICES

Amedican Models Service, Inc. and Forbes B. Lindenfeld

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-225 Personnel or staff; 13.15-265 Service; § 13.70 *Fictitious or misleading guarantees;* § 13.105 *Individual's special selection or situation;* § 13.115 *Jobs and employment service;* § 13.155 *Prices:* 13.155-100 Usual as reduced, special, etc. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1520 *Personnel or staff;* § 13.1553 *Services;* Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* § 13.1663 *Individual's special selection or situation;* § 13.1670 *Jobs and employment;* Misrepresenting oneself and goods—Prices: § 13.1825 *Usual as reduced or to be increased.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, American Models Service, Inc., et al., Elmwood Park, Ill., Docket No. C-2056, Sept. 30, 1971]

In the Matter of American Models Service, Inc., a Corporation, and Forbes B. Lindenfeld, Individually, and as an Officer of Said Corporation

Consent order requiring an Elmwood Park, Ill., seller and distributor of photographs and television tapes of clients to a single model agency to cease using its present trade name unless it also states that it is not a model agency, misrepresenting to prospective clients that they have acting or modeling talent, misrepresenting that any particular person had obtained employment as the result of respondents' services, guaranteeing that their clients will get modeling or acting jobs, and misrepresenting that the price of respondents' services is less than the cost to them.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That the respondents: American Models Service, Inc., a corporation, and its officer, Forbes B. Lindenfeld, individually, and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of their services in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the name "American Models Service, Inc." or any abbreviation or simulation thereof as part of respondents' trade or corporate name, unless there is a clear and conspicuous disclosure, in immediate conjunction therewith, that respondents' business organization is not a model agency; or misrepresenting through the use of the trade or corporate name the nature or character of respondents' business.

2. Representing, directly or indirectly:

(a) That respondents have prior information concerning a prospective client's acting or modeling talent; or misrepresenting in any manner the method by which respondents obtain the names of prospective clients.

(b) That respondents' services are offered only to prospective clients who have the qualities or talent necessary to be a model or actor; or misrepresenting in any manner that prospective clients have the qualities or talent necessary to be a model or actor.

3. Representing directly or indirectly that any particular person had obtained employment as a model or actor generally or in a particular job as a result of respondents' services unless such is the fact.

4. Representing directly or indirectly that respondents utilize talent scouts who are qualified to determine if any person has the qualities necessary to become a model or actor.

5. Representing directly or by implication that respondents' clients are guaranteed or assured modeling or acting

jobs; or misrepresenting in any manner the employment opportunities available to persons using respondents' services.

6. Representing directly or by implication that respondents' services are offered for sale at a price less than the cost to respondents; or misrepresenting in any manner the price at which such services are offered or the cost to respondents.

7. Failing to deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in selling respondents' services and failing to secure from each such salesman or other person a signed statement acknowledging receipt of said order.

It is further ordered, That respondent corporation notify the Commission at least thirty (30) days prior to any proposed change in its corporate structure such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form of their compliance with this order.

Issued: September 30, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-15809 Filed 10-29-71;8:45 am]

[Docket No. C-2055]

PART 13—PROHIBITED TRADE PRACTICES

Compact Vacuum Centers, Inc. and Argo O. Weissenbach

Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1417 *Financing activities;* Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services;* § 13.1663 *Individual's special selection or situation.* § 13.1747 *Special or limited offers;* § 13.1760 *Terms and conditions:* 13.1760-50 Sales contract; Misrepresenting oneself and goods—Prices: § 13.1778 *Additional costs unmentioned.* § 13.1825 *Usual as reduced or to be increased.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1825 *Sales contract, right-to-cancel provision;* § 13.1905 *Terms and conditions:* 13.1905-50 Sales contract. Subpart—Securing orders by deception: § 13.2170 *Securing orders by deception.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies Sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Compact Vacuum Centers, Inc., et al., Kansas City, Mo., Docket No. C-2055, Sept. 30, 1971]

In the Matter of Compact Vacuum Centers, Inc., a Corporation and Argo O. Weissen-Bach Individually and as an Officer of Said Corporation

Consent order requiring a Kansas City, Mo., seller of vacuum cleaners, electrical appliances, soaps and group purchasing memberships to cease misrepresenting the advantages of its group buying program, that members of such programs have been selected by computer, that respondent will provide money to purchase goods for members at lower prices than at local retail outlets, that goods will be delivered in 2 or 3 days, that members will have little or no difficulty in buying or shipping from local merchants, that purchasers of electrical appliances will receive a free supply of soap, and that members are entitled to a 10-year membership on their initial contract; respondents are also forbidden to sell customers' notes without transferring all defenses against respondent which shall appear as a "Notice" printed on all contracts, make any contract binding on buyer prices to midnight of the third day, disclose to buyers that contracts are cancelable up to the third day, and fail to refund monies paid on canceled contracts.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Compact Vacuum Centers, Inc., a corporation, and its officer, Argo O. Weissenbach, individually and as an officer of said corporation, trading under said corporate name or under any trade name or names, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale, distribution of vacuum cleaners or other electrical appliances, soap or detergent or memberships in group purchasing programs or other products or services, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing directly or by implication that members of respondents' group buying program will enjoy substantial savings in the purchase of all products except groceries, liquors, and certain types of automobiles.

2. Representing directly or by implication that members of respondents' group buying program will enjoy substantial savings in the purchase of any products or goods unless it is shown that such a savings as represented will actually result after the inclusion of shipping charges and service charges and whatever other charges, fees or costs which may accrue to the transaction or misrepresenting in any manner the savings available to members of respondents' group buying program.

3. Representing directly or by implication that members of respondents' group buying program will be furnished by respondents, free of charge, all catalogues through which the savings are made available.

4. Misrepresenting directly or by implication that purchasers of memberships in respondents' group buying program or purchasers of goods or products from respondents will receive any free gift or misrepresenting the nature or value of such gift.

5. Representing directly or by implication that respondents' offer of a free gift or offer of sale of any service or product is limited as to time.

6. Representing directly or by implication that potential purchasers of respondents' goods or services or memberships in respondents' group buying program have been and are being specially selected by computer.

7. Representing directly or by implication that respondents' program is being offered on a promotional or trial basis and that it will be available at a later time but at a much higher cost.

8. Representing directly or by implication that respondents will provide money to purchase goods for members of respondents' group buying program if such members cannot purchase a given item through respondents' program at a savings from that which such member would pay for such item at a local retail outlet.

9. Representing directly or by implication that respondents will pay a member of respondents' group buying program twice the amount of the difference in price if such member cannot purchase an item through respondents' program at a price that is less than the price offered to such member at a particular local retail outlet.

10. Representing directly or by implication that merchandise or products ordered through respondents' group buying program will be delivered in 2 or 3 days following such order, or misrepresenting in any manner the length of time necessary for delivery of such merchandise or product.

11. Representing directly or by implication that a member of respondents' group buying program will have little or no difficulty in acquiring the identification numbers of various items of merchandise from retail merchants for the purpose of using such number in ordering the particular item through respondents' buying program.

12. Representing directly or by implication that the cost of shipping goods purchased through respondents' buying program is minimal or will be paid for by respondents, or misrepresenting in any manner the cost involved in paying shipping charges for the goods purchased through respondents' group buying program.

13. Representing directly or by implication that purchasers of memberships in respondents' group buying program or purchasers of electric appliances or other products from respondents will receive, free of charge, a quantity of soap or detergent valued at $300 or will receive, free of charge, a 1 year supply of soap or detergent, or misrepresenting in any manner the value of any gift provided by respondents to such purchasers.

14. Representing directly or by implication that members of respondents' group buying program are entitled to a 10-year membership in such program merely on the basis of payment on the initial contract or misrepresenting in any manner the extent of the membership granted.

It is further ordered, That respondents:

A. Cease and desist from assigning, selling or otherwise transferring respondents' notes, contracts, or other documents evidencing a purchaser's indebtedness, unless any rights or defenses which the purchaser has and may assert against respondents are preserved and may be asserted against any assignee or subsequent holder of such note, contract, or other such documents evidencing the indebtedness.

B. Include the following statement clearly and conspicuously on the face of any note, contract, or other evidence of indebtedness executed by or on behalf of respondents' customers:

NOTICE

Any holder of this instrument takes it subject to all rights and defenses which would be available to the purchaser in any action arising out of the contract or transaction which gave rise to the debt evidenced hereby, notwithstanding any contractual provisions or other agreement waiving said rights or defenses.

C. Cease and desist from contracting for any sale which shall become binding on the buyer prior to midnight of the third day, excluding Sundays and legal holidays, after the date of consummation of the transaction.

D. Disclose, orally prior to the time of sale, and in writing on any conditional sales contract, promissory note or other instrument executed by the buyer with such conspicuousness and clarity as likely to be observed and read by such buyer, that the buyer may rescind or cancel the sale by directing or mailing a notice of cancellation to respondents' address prior to midnight of the third day, excluding Sundays and legal holidays, after the date of the sale. Upon such cancellation the burden shall be on respondents to collect any goods left in buyer's home and to return any payments received from the buyer. Nothing contained in this right-to-cancel provision shall relieve the buyer of the responsibility for taking reasonable care of the goods prior to cancellation and during a reasonable period following cancellation.

E. Provide a separate and clearly understandable form which the buyer may use as a notice of cancellation.

F. Refund immediately all moneys to customers who have requested contract cancellation in writing within three (3) days from the execution thereof.

G. Shall forthwith distribute a copy of this order to each of its present and future salesmen and representatives and other persons engaged in the sale and/or distribution of respondents' goods or services and to secure from each such salesman, representative or other person a signed statement acknowledging receipt of said order.

H. Notify the Commission at least thirty (30) days prior to any proposed change in the corporation such as dissolution, merger, or sale resulting in the emergence of a successor, or any other change in the corporation which may affect compliance obligations arising out of the order.

I. Shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail, the manner and form in which they have complied with this order.

Issued: September 30, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-15810 Filed 10-29-71;8:45 am]

[Docket No. C-2036]

PART 13—PROHIBITED TRADE PRACTICES

Eastern Textile Woolens, Inc., et al.

Subpart—Misbranding or mislabeling: § 13.1185 *Composition:* 13.1185-90 Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* 13.1212-90 Wool Products Labeling Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-80 Wool Products Labeling Act. Subpart—Using misleading name—Vendor: § 13.2445 *Producer or laboratory status of seller.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68) [Cease and desist order, Eastern Textile Woolens, Inc., et al., New York City, Docket No. C-2036, Sept. 8, 1971]

In the Matter of Eastern Textile Woolens, Inc., a Corporation, and Morris Modlin (Also Known as Moe Modlin), Harry Isaac, and Sylvia Modlin, Individually and as Officers of Said Corporation

Consent order requiring a New York City wholesaler of fabrics to cease misbranding its woolens products.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Eastern Textile Woolens, Inc., a corporation, and its officers, and Morris Modlin (also known as Moe Modlin), Harry Isaac, and Sylvia Modlin, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or manufacture for introduction, into commerce, or the offering for sale, sale, transportation, distribution, delivery for shipment, or shipment, in commerce, of wool products, as "commerce" and "wool product" are defined in the Wool Products Labeling Act of 1939, do forthwith cease and desist from:

A. Misbranding such products by:

1. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers contained therein.

2. Falsely and deceptively stamping, tagging, labeling, or otherwise identifying such wool products by using the word "Mills" or any other word of similar import or meaning in or as a part of the respondents' trade or corporate name, or representing in any other manner, on such wool products that the respondents manufacture the wool products unless and until the respondents actually own and operate, or directly and absolutely control the manufacturing plant wherein said wool products are woven or made.

3. Failing to securely affix to, or place on, each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner each element of information required to be disclosed by section 4(a)(2) of the Wool Products Labeling Act of 1939.

It is further ordered, That respondents Eastern Textile Woolens, Inc., a corporation and its officers, and Morris Modlin (also known as Moe Modlin), Harry Isaac, and Sylvia Modlin, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device in connection with the advertising, offering for sale, sale and distribution of fabrics in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from, directly or indirectly using the word "Mills" or any other word of similar import or meaning in or as part of respondents' trade or corporate name, or representing in any other manner whether on letterheads, invoices, sales memoranda, advertising, or other media that respondents manufacture the fabric sold by them unless and until respondents actually own and operate, or directly and absolutely control, the manufacturing plant wherein said fabrics are woven or made.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 8, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-15811 Filed 10-29-71;8:46 am]

[Docket No. C-2057]

PART 13—PROHIBITED TRADE PRACTICES

Encore Electronics, Inc., et al.

Subpart—Misrepresenting oneself and goods—Goods: § 13.1595 *Condition of goods;* § 13.1608 *Dealer or seller assistance;* § 13.1720 *Quality.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Encore Electronics, Inc., et al., San Francisco, Calif., Docket No. C-2057, Sept. 30, 1971]

In the Matter of Encore Electronics, Inc., a Corporation, Also Doing Business as Caltrade Manufacturing & Trading Company Irwin M. Randolph, Individually and as Officer and Director

Consent order requiring a San Francisco, Calif., importer of foreign-made transistorized radios and distributor of them for resale to cease misrepresenting the number of transistors in the radio sets offered for sale, and selling any radio set which has on its face any misrepresentation as to the number of transistors.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents, Encore Electronics, Inc., and Irwin M. Randolph, individually and as officer and director of said corporation, and respondents' agents, representatives, employees, directly or through any corporate or other device, in connection with the manufacturing, advertising, offering for sale, sale or distribution of radio receiving sets, including transceivers, or any other product, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, through the use of the terms transistor or "Solid State" or any other word or phrase that any radio set contains a specified number of transistors when one or more such transistors: (a) are dummy transistors; (b) do not perform the recognized and customary functions of radio set transistors in the detection, amplification and reception of radio signals; or (c) are used in parallel or cascade applications which do not improve the performance capabilities of such sets in the reception, detection, and amplification of radio signals, provided, however, that nothing herein shall be construed to prohibit in connection with a statement as to the actual transistor count (computed without inclusion of transistors which do not perform the functions of detection, amplification and reception of radio signals), a further statement to the effect that the sets in addition contain one or more transistors acting as diodes or performing auxiliary or other functions when such is the fact.

2. Misrepresenting, in any manner, the number of transistors or other components in respondents' products or the functions of any such component.

3. Selling any radio set currently on hand which contains on the face of the product any misrepresentation as to the number of transistors in the product without first removing said misrepresentation or obscuring said misrepresentation in a manner reasonably calculated to prevent reappearance of the misrepresentation.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which it has complied with this order.

Issued: September 30, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-15812 Filed 10-29-71;8:46 am]

[Docket No. C-2044]

PART 13—PROHIBITED TRADE PRACTICES

Lestz & Co., et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Lestz & Co. et al., Lancaster, Pa., Docket No. C-2044, Sept. 20, 1971]

In the Matter of Lestz & Co., A Partnership, and Aaron Cohen, Minna Cohen, and Fannie Lestz, Individually and as Copartners Trading as Lestz & Co

Consent order requiring a Lancaster, Pa., partnership which wholesales dry goods, including women's scarves, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Lestz & Co., a partnership, and Aaron Cohen, Minna Cohen, and Fannie Lestz, individually and trading as Lestz & Co., or under any other name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from selling, offering for sale, in commerce or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any product, fabric, or related material; or selling or offering for sale any product made of fabric or related material which has been shipped and received in commerce, as "commerce," "product," "fabric," and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric, or related material fails to conform to any applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to the complaint, of the flammable nature of said products, and effect the recall of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the product which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products and of the results thereof, (4) any disposition of said products since August 25, 1970, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton, or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric, or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form

in which they have complied with this order.

Issued: September 20, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-15813 Filed 10-29-71;8:46 am]

[Docket No. C-2043]

PART 13—PROHIBITED TRADE PRACTICES

Martin Hospital Disposables, et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Martin Hospital Disposables et al., Brooklyn, N.Y., Docket No. C-2043, Sept. 20, 1971]

In the Matter of Martin Disposables, Inc., a Corporation, Trading as Martin Hospital Disposables, and Stephen Chapnick, and Alfred Chapnick, Individually and as Officers of Said Corporation

Consent order requiring a Brooklyn, N.Y., manufacturer and distributor of wearing apparel, including disposable paper face masks and disposable paper caps, to cease violating the Flammable Fabrics Act by importing and selling any fabric which fails to conform to the standards of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Martin Disposables, Inc., a corporation, trading as Martin Hospital Disposables or under another name or names, and its officers, and Stephen Chapnick and Alfred Chapnick, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, do forthwith cease and desist from manufacturing for sale, selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce or selling or delivering after sale or shipment in commerce, any product, fabric or related material; or manufacturing for sale, selling, or offering for sale any product made of fabric or related material which has been shipped and received in commerce, as "commerce," "product," "fabric" and "related material" are defined in the Flammable Fabrics Act, as amended, which product, fabric or related material, fails to conform to any applicable standard or regulation continued in effect, issued or amended under the provisions of the aforesaid Act.

It is further ordered, That respondents notify all of their customers who have purchased or to whom have been delivered the products which gave rise to this complaint of the flammable nature of said products and effect the recall of said products from such customers.

It is further ordered, That the respondents herein either process the products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That the respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since April 1970, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Such report shall further inform the Commission as to whether or not respondents have in inventory any product, fabric, or related material having a plain surface and made of paper, silk, rayon and acetate, nylon and acetate, rayon, cotton or any other material or combinations thereof in a weight of 2 ounces or less per square yard, or any product, fabric or related material having a raised fiber surface. Respondents shall submit samples of not less than 1 square yard in size of any such product, fabric, or related material with this report.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: September 20, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-15814 Filed 10-29-71;8:46 am]

[Docket No. C-2052]

PART 13—PROHIBITED TRADE PRACTICES

Nathan Diamond, et al.

Subpart—Advertising falsely misleadingly: § 13.71 *Financing:* 13.71-10 Truth in Lending Act; § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act; § 13.155 *Prices:* 13.155-95 Terms and conditions: 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1625 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act; Misrepresenting oneself and goods—Prices: § 13.1823 *Terms and conditions:* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act; § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Nathan Diamond et al., Los Angeles, Calif., Docket No. C-2052, Sept. 24, 1971]

In the Matter of Nathan Diamond, Individually and Trading as Empire Furniture Stores or Nat Diamond's Empire Furniture Stores

Consent order requiring a Los Angeles, Calif., individual trading as a seller and distributor of furniture to cease violating the Truth in Lending Act by failing to use the terms: "cash price," "cash downpayment," "amount financed," "finance charge," "annual percentage rate," and other terms required by Regulation Z of said Act.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Nathan Diamond, individually, and trading as Empire Furniture Stores or Nat Diamond's Empire Furniture Stores, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with any extension of consumer credit or any advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR 226) of the Truth in Lending Act (Public Law 90-321, 15 U.S.C. 1601 et seq.), do forthwith cease and desist from:

1. Failing to clearly, conspicuously, and in meaningful sequence make the required disclosures, as prescribed by § 226.6(a) of Regulation Z.

2. Failing to use the term "cash price" to describe the cash price of the goods sold by him, as prescribed by § 226.8(c)(1) of Regulation Z.

3. Failing to use the term "cash downpayment" to describe any downpayment

in money, as prescribed by § 226.8(c) (2) of Regulation Z.

4. Failing to use the term "amount financed" to describe the amount financed as prescribed by § 226.8(c) (7) of Regulation Z.

5. Failing to use the term "finance charge" to describe the finance charge, as prescribed by § 226.8(c) (8) (i) of Regulation Z.

6. Failing to print "finance charge" more conspicuously than other required terminology, as prescribed by § 226.6(a) of Regulation Z.

7. Failing to disclose the sum of the cash price and the finance charge, and to describe that sum as the "deferred payment price," as prescribed by § 226.8 (c) (8) (ii) of Regulation Z.

8. Failing to use the term "total of payments" to describe the sum of the payments, as prescribed in § 226.8(b) (3) of Regulation Z.

9. Failing to disclose the annual percentage rate with an accuracy to the nearest quarter of 1 percent, as prescribed by § 226.5(b) (1) of Regulation Z.

10. Failing to print "annual percentage rate" more conspicuously than other required terminology, as prescribed by § 226.6(a) of Regulation Z.

11. Failing to make all the required disclosures in one of the following three ways, in accordance with § 226.8(a) or § 226.801 of Regulation Z:

(a) Together on the contract evidencing the obligation on the same side of the page and above or adjacent to the place for the customer's signature; or

(b) On one side of a separate statement which identifies the transaction; or

(c) On both sides of a single document containing on each side thereof the statement "Notice: See other side for important information," with the place for the customer's signature following the full content of the document.

12. Failing in any consumer credit transaction or advertisement to make all disclosures, determined in accordance with §§ 226.4 and 226.5 of Regulation Z, in the manner, form, and amount prescribed by §§ 226.6, 226.7, 226.8, 226.9, and 226.10 of Regulation Z.

It is further ordered, That respondent deliver a copy of this order to cease and desist to all present and future personnel of respondent engaged in the consummation of any extension of consumer credit or in any aspect of the preparation, creation, or placing of advertising, and that respondent secure a signed statement acknowledging receipt of said order from each such person.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

It is further ordered, That respondent notify the Commission at least thirty (30) days prior to any proposed change in the respondent's business such as dissolution, assignment, or sale resulting in the emergence of a successor business, corporate or otherwise, the creation of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of this order.

Issued: September 24, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-15815 Filed 10-29-71;8:46 am]

[Docket No. C-2054]

PART 13—PROHIBITED TRADE PRACTICES

Robert W. Ricklefs and Cortland Music Co.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* §13.15-225 Personnel or staff; § 13.155 *Prices:* 13.155-10 Bait; 13.155-78 Repossession balances; 13.155-95 Terms and conditions; § 13.160 *Promotional sales plans.* Subpart—Misrepresenting oneself and goods—Business status, advantages, or connections: § 13.1520 *Personnel or staff;* Misrepresenting oneself and goods—Prices: § 13.1779 *Bait;* § 13.1823 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 718, as amended; 15 U.S.C. 45) [Cease and desist order, Robert W. Ricklefs et al., Cortland, Ohio, Docket No. C-2054, Sept. 28, 1971]

In the Matter of Robert W. Ricklefs, an Individual, Trading and Doing Business as Cortland Music Co.

Consent order requiring a Cortland, Ohio, seller and distributor of new pianos to cease misrepresenting that the pianos are repossessed or being offered for the unpaid balance, using any false or deceptive statements to obtain leads, misrepresenting the amount of savings available to purchasers, and failing to furnish a copy of this order to each salesman and employee.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent, Robert W. Ricklefs, an individual, trading and doing business as Cortland Music Co. or any other name or names, and respondent's agents, representatives, salesmen, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of pianos or other merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that pianos or other merchandise have been repossessed or in any manner reacquired from a former purchaser, or are being offered for sale for the unpaid balance, or any portion thereof, of the original purchase price, or for the amount or any portion of the amount owed by a former purchaser; however, it shall be a defense hereunder for respondent to show that said advertised products actually are of the character stated and are offered for sale and sold on the terms and conditions represented.

2. Representing, directly or by implication, that any pianos or other merchandise are being offered for sale when such offer is not a bona fide offer to sell the advertised merchandise on the terms and conditions stated.

3. Using any sales plan or procedure involving the use of false, misleading, or deceptive statements to obtain leads or prospects for the sale of pianos or other merchandise.

4. Using any deceptive sales scheme or device to induce the sale of pianos or other merchandise offered by respondent.

5. Misrepresenting, in any manner, the amount of savings available to purchasers or prospective purchasers of pianos or other merchandise.

6. Misrepresenting, in any manner, the title, status, or position of any agent, representative, salesman, or employee.

7. Failing to serve a copy of this order upon each present and every future agent, representative, salesman, and employee engaged in the sale of pianos or other merchandise; failing to obtain from each such person so served a written acknowledgment of the receipt thereof and an agreement in writing to abide by the terms of this order; and failing to discharge any such person so served for failure to abide by the terms of this order.

It is further ordered, That respondent, for a period of 1 year from the effective date of this order, shall furnish each newspaper or other advertising media which is utilized by the respondent to obtain leads for the sale of pianos or other merchandise, or to advertise, promote, or sell pianos or other merchandise, with a copy of the Commission's news release setting forth the terms of this order.

It is further ordered, That the respondent shall notify the Commission, at least thirty (30) days prior to any proposed change in his business organization such as dissolution, assignment, incorporation, or sale resulting in the emergence of a successor firm, partnership, or corporation, or any other change which may affect compliance obligations arising out of this order.

It is further ordered, That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth, in detail, the manner and form in which he has complied with this order.

Issued: September 28, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc. 71-15816 Filed 10-29-71;8:46 am]

[Docket No. C-2058]

PART 13—PROHIBITED TRADE PRACTICES

Varco Chemical Corp. et al.

Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1370 *Business methods, policies, and practice.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1625 *Free goods or services;* § 13.1720 *Quantity.* Subpart—Shipping, for payment demand, goods in excess of or without order. § 13.2195 *Shipping, for payment demand, goods in excess of or without order.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Varco Chemical Corp. et al., Englewood Cliffs, N.J., Docket No. C-2058, Sept. 30, 1971]

In the Matter of Varco Chemical Corp. a Corporation and Rubin Newman, Individually and as an Officer of Said Corporation, and Joel Winston, Individually and as General Manager of Said Corporation

Consent order requiring an Englewood, Cliffs, N.J., seller and distributor of industrial cleaners and solvents to cease misrepresenting that sales solicitations are at the invitation of prospective customer, the container sizes or quantities, that any sample will be sent without cost, and refusing to accept return of shipment within approval time.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That Varco Chemical Corp., a corporation, and Rubin Newman individually and as an officer of said corporation, and Joel Winston individually and as general manager of said corporation, and respondents' agents, representatives or employees directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of industrial cleaners and solvents, or other products, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Misrepresenting directly or by implication that any person making a sales solicitation, by telephone or otherwise, in connection with the sale of any of respondents products is calling in response to an inquiry made to respondents by some named or unidentified person employed by the company or other business entity receiving the call.

2. Misrepresenting directly or by implication the container sizes or quantities of its products which are offered for sale on approval or which are offered for final sale.

3. Misrepresenting directly or by implication that any sample will be sent without cost or obligation.

4. Thwarting, delaying, refusing to accept, or preventing by any method or means, the return or cancellation within the approval period of all or part of any shipment sent on approval when the material is in the same condition and container as it was at time of receipt by the consignee.

It is further ordered, That respondents maintain full and accurate records of any and all complaints, inquiries, and the like, received from customers or prospective customers, pertaining to any of the acts or practices prohibited by this order, for a period of 1 year after their receipt, and that such records be made available upon request for examination and copying by a duly authorized agent of the Federal Trade Commission during the normal business hours.

It is further ordered, That respondents herein shall forthwith deliver a copy of this order to cease and desist to all present and future salesmen or other persons engaged in the sale of respondents' products or services and shall secure from each such salesman or other person a signed statement acknowledging receipt of a copy of this order.

It is further ordered, That respondent corporation notify the Commission at least thirty (30) days prior to any proposed change in its corporate structure such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation which may affect compliance obligations arising out of this order.

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and from of their compliance with this order.

Issued: September 30, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.71-15817 Filed 10-29-71;8:46 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R-409; Order No. 439]

UNIFORM SYSTEMS OF ACCOUNTS FOR PUBLIC UTILITIES AND LICENSEES AND FOR NATURAL GAS COMPANIES

Disposition of Balance in Accumulated Deferred Tax Accounts

OCTOBER 22, 1971.

On December 2, 1970, the Commission issued a notice of proposed rule making in this proceeding (35 F.R. 18627, December 8, 1970) proposing to amend its Uniform Systems of Accounts for Classes A, B, and C Public Utilities and Licensees and for Classes A, B, and C Natural Gas Companies. The primary purpose of the proposed amendments was to provide for the disposition of balances in the deferred income tax accounts[1] upon the transfer or disposition by sale, exchange, abandonment, or premature retirement of related depreciable property. Accounting was also proposed for deferred income taxes related to utility plant transferred to wholly owned subsidiaries in accordance with Opinion No. 581, issued July 15, 1970.

Comments were invited from interested parties to be submitted by January 18, 1971.[2] In response to this notice the Commission has received comments from 19 respondents[3] which include two accounting firms, 15 electric utilities and two gas utilities.

Ten respondents expressed approval of the proposed rule; of these, eight submitted suggestions intended to clarify or enlarge upon parts of the proposal and/or raised questions as to the application of other parts. Six respondents submitted suggestions, but did not directly state either their approval or disapproval of the proposal. The remaining three respondents opposed the rulemaking.

The three respondents that opposed the rulemaking did so because they believe that the present instructions for disposal of the residual deferred taxes are adequate. Four respondents recommended that any residuals of deferred taxes related to property transactions should, in all cases, be credited to Account 411, Income Taxes Deferred in Prior Years—Credit.

The notice of proposed rule making was issued because the Commission did not consider the present instructions for disposal of the deferred tax residuals to be adequate to return the amounts to the utilities' customers. The rule making proposed that upon the sale, exchange or abandonment of property, Account 411, would be credited with the balance of related deferred taxes except when the income tax attributable to such sale, exchange or abandonment is significantly less than such related balance, the Commission would direct or authorize accounting for the residual amount. The comments to the rule making did not provide suitable alternatives that would return the amounts to the utilities' customers. After consideration, however, the Commission believes that a definitive guideline should be established for

[1] Account 281, Accumulated deferred income taxes—Accelerated amortization, Account 282, Accumulated deferred income taxes—Liberalized depreciation and Account 283, Accumulated deferred income taxes—Other.

[2] Extension of time granted to Feb. 16, 1971 (36 F.R. 1545, Feb. 2, 1971).

[3] Arthur Andersen & Co., Haskins & Sells, American Electric Power Co., Inc., Boston Edison Co., The Cincinnati Gas & Electric Co., Commonwealth Edison Co., Consumers Power Co., The Detroit Edison Co., Florida Power Corp., The Montana Power Co., Northeast Utilities, Northern States Power Co., Philadelphia Electric Co., Public Service Electric and Gas Co., Public Service Indiana, Southern Services, Inc., West Texas Utilities Co., Colorado Interstate Gas Co., and Northern Natural Gas Co.

amounts considered significant. Therefore, we are modifying the changes as proposed to provide that if the related balances in the aggregate for the calendar year are less than $25,000 after consideration of the related income tax on the transaction, the amounts may be credited in their entirety to Account 411 without further direction or authorization by the Commission.

One respondent stated that his company had received permission from the Commission to amortize the balances in Account 282, Accumulated Deferred Income Taxes—Liberalized Depreciation, over a 10-year period as a result of the company's change to flow-through accounting and suggested that the rule making be clarified so that such amortization may continue. It was not intended that this rule making should disturb any authorizations of this nature.

Eleven respondents stated that the instructions should provide for the elimination of accumulated credit balances in Accounts 281, 282, and 283 to the same (or related) accounts that are used to record the gain or loss on the property itself. Six of these 11 respondents recommended that a new subaccount be established under Account 411, Income Taxes Deferred in Prior Years—Credit, to parallel the present Account 409.3, Income Taxes, Extraordinary Items. It is not proper accounting to record the income tax in the same account as the accounts for gains or losses. Furthermore, the suggested accounting would not benefit the utilities' customers. With respect to a separate account for deferred income taxes relating to extraordinary items, the Commission does not believe that such an account is necessary because extraordinary gains and losses from property transactions are not numerous.

Eight respondents proposed that the rulemaking be modified to exclude depreciable property which is retired from plant prior to the end of its estimated useful life, but within its average life due to the use of multiple asset groups. The Commission concurs in this proposal and language has been inserted in the amendments to the Uniform Systems of Accounts which will allow retention in the deferred tax accounts of amounts relating to such retirements.

The appropriateness of providing the same accounting instructions for abandonment transactions, and the wisdom of treating the difference between deferred income taxes and actual income taxes on the disposition of property as the subject of attention rather than the effect of the transaction on net income were questioned by one respondent. With respect to the first point, the Commission, while acknowledging that sales, exchanges and abandonments can result in different accounting effects, believes that the amendments, as proposed, are adequate to properly dispose of the remaining deferred income taxes pertaining to early disposition of depreciable property, whether or not such disposal is taxable, nontaxable or results in a tax loss. The latter point speaks to accounting only. The Commission agrees that the disposition of the deferred taxes should consider the effect on a utility's net income. Of more importance, however, is the disposal of the deferred taxes in such a manner that the utility's customers will receive some benefit.

Finally, several of the respondents offered constructive suggestions resulting from the rule making which have been included in the final revisions of the Uniform Systems of Accounts. Although not substantive in nature, they were of considerable value in adding clarity to the overall revisions.

The Commission finds: (1) The notice and opportunity to participate in this rule making proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments, and suggestions in the manner described above, are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) The amendments of the Commission's Uniform Systems of Accounts, herein prescribed, are necessary and appropriate for the Administration of the Federal Power Act and the Natural Gas Act.

(3) Since the revisions in the Uniform Systems of Accounts as originally proposed result essentially from suggestions made by respondents to the notice of proposed rule making herein and since these revisions do not impose a further burden on persons subject to these regulations and do not amount to a substantial departure from the original proposal, no further notice and hearing prior to adoption is necessary.

(4) Good cause exists for making the amendments adopted herein effective upon issuance of this order.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly 301, 302, 303, 304, and 309 thereof (49 Stat. 854–856, 858, 859; 16 U.S.C. 825, 825a, 825b, 825c, 825h) and of the Natural Gas Act, as amended, particularly sections 8, 9, 10, and 16 thereof (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717h, 717i, 717o), orders:

PART 101—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

(A) The Commission's Uniform System of Accounts for Class A and Class B Public Utilities and Licensees prescribed by Part 101, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. Amend the text of Balance Sheet Accounts as follows:

a. Revise the last sentence of paragraph E of account "281, Accumulated Deferred Income Taxes—Accelerated Amortization" and revoke paragraph F.

b. Revise the last sentence of paragraph E of account "282, Accumulated Deferred Income Taxes—Liberalized Depreciation."

c. Revise the last sentence of paragraph D of account "283, Accumulated Deferred Income Taxes—Other."

As so amended, those portions of the Balance Sheet Account text read as follows:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

11. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

281 Accumulated deferred income taxes—Accelerated amortization.

* * * * *

E. * * * Upon the disposition by sale, exchange, transfer, abandonment, or premature retirement of plant on which there is a related balance herein, this account shall be charged with an amount equal to the related income tax expense, if any, arising from such disposition and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited. When the remaining balance, after consideration of any related income tax expenses, is less than $25,000, this account shall be charged and account 411 credited with such balance. If after consideration of any related income tax expense, there is a remaining amount of $25,000 or more, the Commission shall authorize or direct how such amount shall be accounted for at the time approval for the disposition of accounting is granted. When plant is disposed of by transfer to a wholly owned subsidiary the related balance in this account shall also be transferred. When the disposition relates to retirement of an item or items under a group method of depreciation where there is no tax effect in the year of retirement, no entries are required in this account if it can be determined that the related balances would be necessary to be retained to offset future group item tax deficiencies.

F. [Revoked]

282 Accumulated deferred income taxes—Liberalized depreciation.

* * * * *

E. * * * Upon the disposition by sale, exchange, transfer, abandonment, or premature retirement of plant on which there is a related balance herein, this account shall be charged with an amount equal to the related income tax expense, if any, arising from such disposition and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited. When the remaining balance, after consideration of any related income tax expenses, is less than $25,000, this account shall be charged and account 411 credited with such balance. If after consideration of any related income tax expense, there is a remaining amount of $25,000 or more, the Commission shall authorize or direct how such amount shall be accounted for at the time of approval for the disposition of accounting is granted. When plant is disposed

of by transfer to a wholly owned subsidiary, the related balance in this account shall also be transferred. When the disposition relates to retirement of an item or items under a group method of depreciation where there is no tax effect in the year of retirement, no entries are required in this account if it can be determined that the related balances would be necessary to be retained to offset future group item tax deficiencies.

283 Accumulated deferred income taxes—Other.

* * * * *

D. * * * Upon the disposition by sale, exchange, transfer, abandonment, or premature retirement of plant on which there is a related balance herein, this account shall be charged with an amount equal to the related income tax expense, if any, arising from such disposition and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited. When the remaining balance, after consideration of any related income tax expenses, is less than $25,000, this account shall be charged and account 411 credited with such balance. If after consideration of any related income tax expense, there is a remaining amount of $25,000 or more, the Commission shall authorize or direct how such amount shall be accounted for at the time approval for the disposition of accounting is granted. When plant is disposed of by transfer to a wholly owned subsidiary, the related balance in this account shall also be transferred. When the disposition relates to retirement of an item or items under a group method of depreciation where there is no tax effect in the year of retirement, no entries are required in this account if it can be determined that the related balances would be necessary to be retained to offset future group item tax deficiencies.

PART 104—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C PUBLIC UTILITIES AND LICENSEES

(B) The Commission's Uniform Systems of Account for Class C Public Utilities and Licensees prescribed by Part 104, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. Amend the text of Balance Sheet Accounts as follows:

a. Revise the last sentence of paragraph E of account "281, Accumulated Deferred Income Taxes—Accelerated Amortization" and revoke paragraph F.

b. Revise the last sentence of paragraph E of account "282, Accumulated Deferred Income Taxes—Liberalized Depreciation."

c. Revise the last sentence of paragraph D of account "283, Accumulated Deferred Income Taxes—Other."

As so amended, those portions of the Balance Sheet account text read as follows:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

11. Accumulated Deferred Income Taxes

* * * * *

281 Accumulated deferred income taxes—Accelerated amortization.

* * * * *

E. * * * Upon the disposition by sale, exchange, transfer, abandonment, or premature retirement of plant on which there is a related balance herein, this account shall be charged with an amount equal to the related income tax expense, if any, arising from such disposition and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited. When the remaining balance, after consideration of any related income tax expenses, is less than $25,000, this account shall be charged and account 411 credited with such balance. If after consideration of any related income tax expense, there is a remaining amount of $25,000 or more, the Commission shall authorize or direct how such amount shall be accounted for at the time approval for the disposition of accounting is granted. When plant is disposed of by transfer to a wholly owned subsidiary, the related balance in this account shall also be transferred. When the disposition relates to retirement of an item or items under a group method of depreciation where there is no tax effect in the year of retirement, no entries are required in this account if it can be determined that the related balances would be necessary to be retained to offset future group item tax deficiencies.

F. [Revoked]

282 Accumulated deferred income taxes—Liberalized depreciation.

* * * * *

E. * * * Upon the disposition by sale, exchange, transfer, abandonment, or premature retirement of plant on which there is a related balance herein, this account shall be charged with an amount equal to the related income tax expense, if any, arising from such disposition and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited. When the remaining balance, after consideration of any related income tax expenses, is less than $25,000, this account shall be charged and account 411 credited with such balance. If after consideration of any related income tax expense, there is a remaining amount of $25,000 or more, the Commission shall authorize or direct how such amount shall be accounted for at the time approval for the disposition of accounting is granted. When plant is disposed of by transfer to a wholly owned subsidiary, the related balance in this account shall also be transferred. When the disposition relates to retirement of an item or items under a group method of depreciation where there is no tax effect in the year of retirement, no entries are required in this account if it can be determined that the related balances would be necessary to be retained to offset future group item tax deficiencies.

283 Accumulated deferred income taxes—Other.

* * * * *

D. * * * Upon the disposition by sale, exchange, transfer, abandonment, or premature retirement of plant on which there is a related balance herein, this account shall be charged with an amount equal to the related income tax expense, if any, arising from such disposition and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited. When the remaining balance, after consideration of any related income tax expenses, is less than $25,000, this account shall be charged and account 411 credited with such balance. If after consideration of any related income tax expense, there is a remaining amount of $25,000 or more, the Commission shall authorize or direct how such amount shall be accounted for at the time approval for the disposition of accounting is granted. When plant is disposed of by transfer to a wholly owned subsidiary, the related balance in this account shall also be transferred. When the disposition relates to retirement of an item or items under a group method of depreciation where there is no tax effect in the year of retirement, no entries are required in this account if it can be determined that the related balances would be necessary to be retained to offset future group item tax deficiencies.

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS A AND B NATURAL GAS COMPANIES

(C) The Commission's Uniform System of Accounts for Class A and Class B Natural Gas Companies prescribed by Part 201, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. Amend the text of Balance Sheet Accounts as follows:

a. Revise the last sentence of paragraph E of account "281, Accumulated Deferred Income Taxes—Accelerated Amortization" and revoke paragraph F.

b. Revise the last sentence of paragraph E of account "282, Accumulated Deferred Income Taxes—Liberalized Depreciation."

c. Revise the last sentence of paragraph D of account "283, Accumulated Deferred Income Taxes—Other."

As so amended, those portions of the Balance Sheet account text read as follows:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

11. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

281 Accumulated deferred income taxes—Accelerated amortization.

* * * * *

E. * * * Upon the disposition by sale, exchange, transfer, abandonment, or premature retirement of plant on which there is a related balance herein, this account shall be charged with an amount equal to the related income tax expense, if any, arising from such disposition and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited. When the remaining balance, after consideration of any related income tax expenses, is less than $25,000, this account shall be charged and account 411 credited with such balance. If after consideration of any related income tax expense, there is a remaining amount of $25,000 or more, the Commission shall authorize or direct how such amount shall be accounted for at the time approval for the disposition of accounting is granted. When plant is disposed of by transfer to a wholly owned subsidiary, the related balance in this account shall also be transferred. When the disposition relates to retirement of an item or items under a group method of depreciation where there is no tax effect in the year of retirement, no entries are required in this account if it can be determined that the related balances would be necessary to be retained to offset future group item tax deficiencies.

282 Accumulated deferred income taxes—Liberalized depreciation.

* * * * *

E. * * * Upon the disposition by sale, exchange, transfer, abandonment, or premature retirement of plant on which there is a related balance herein, this account shall be charged with an amount equal to the related income tax expense, if any, arising from such disposition and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited. When the remaining balance, after consideration of any related income tax expenses, is less than $25,000, this account shall be charged and account 411 credited with such balance. If after consideration of any related income tax expense, there is a remaining amount of $25,000 or more, the Commission shall authorize or direct how such amount shall be accounted for at the time approval for the disposition of accounting is granted. When plant is disposed of by transfer to a wholly owned subsidiary, the related balance in this account shall also be transferred. When the disposition relates to retirement of an item or items under a group method of depreciation where there is no tax effect in the year of retirement, no entries are required in this account if it can be determined that the related balances would be necessary to be retained to offset future group item tax deficiencies.

283 Accumulated deferred income taxes—Other.

* * * * *

D. * * * Upon the disposition by sale, exchange, transfer, abandonment, or premature retirement of plant on which there is a related balance herein, this account shall be charged with an amount equal to the related income tax expense, if any, arising from such disposition and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited. When the remaining balance, after consideration of any related income tax expenses, is less than $25,000, this account shall be charged and account 411 credited with such balance. If after consideration of any related income tax expense, there is a remaining amount of $25,000 or more, the Commission shall authorize or direct how such amount shall be accounted for at the time approval for the disposition of accounting is granted. When plant is disposed of by transfer to a wholly owned subsidiary, the related balance in this account shall also be transferred. When the disposition relates to retirement of an item or items under a group method of depreciation where there is no tax effect in the year of retirement, no entries are required in this account if it can be determined that the related balances would be necessary to be retained to offset future group item tax deficiencies.

PART 204—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C NATURAL GAS COMPANIES

(D) The Commission's Uniform System of Accounts for Class C Natural Gas Companies prescribed by Part 204, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. Amend the text of Balance Sheet Accounts as follows:

a. Revise the last sentence of paragraph E of account "281, Accumulated Deferred Income Taxes—Accelerated Amortization" and revoke paragraph F.

b. Revise the last sentence of paragraph E of account "282, Accumulated Deferred Income Taxes—Liberalized Depreciation."

c. Revise the last sentence of paragraph D of account "283, Accumulated Deferred Income Taxes—Other."

As so amended, those portions of the Balance Sheet account text read as follows:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

11. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

281 Accumulated deferred income taxes—Accelerated amortization.

* * * * *

E. * * * Upon the disposition by sale, exchange, transfer, abandonment, or premature retirement of plant on which there is a related balance herein, this account shall be charged with an amount equal to the related income tax expense, if any, arising from such disposition and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited. When the remaining balance, after consideration of any related income tax expenses, is less than $25,000, this account shall be charged and account 411 credited with such balance. If after consideration of any related income tax expense, there is a remaining amount of $25,000 or more, the Commission shall authorize or direct how such amount shall be accounted for at the time approval for the disposition of accounting is granted. When plant is disposed of by transfer to a wholly owned subsidiary, the related balance in this account shall also be transferred. When the disposition relates to retirement of an item or items under a group method of depreciation where there is no tax effect in the year of retirement, no entries are required in this account if it can be determined that the related balances would be necessary to be retained to offset future group item tax deficiencies.

F. [Revoked]

282 Accumulated deferred income taxes—Liberalized depreciation.

* * * * *

E. * * * Upon the disposition by sale, exchange, transfer, abandonment, or premature retirement of plant on which there is a related balance herein, this account shall be charged with an amount equal to the related income tax expense, if any, arising from such disposition and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited. When the remaining balance, after consideration of any related income tax expenses, is less than $25,000, this account shall be charged and account 411 credited with such balance. If after consideration of any related income tax expense, there is a remaining amount of $25,000 or more, the Commission shall authorize or direct how such amount shall be accounted for at the time approval for the disposition of accounting is granted. When plant is disposed of by transfer to a wholly owned subsidiary, the related balance in this account shall also be transferred. When the disposition relates to retirement of an item or items under a group method of depreciation where there is no tax effect in the year of retirement, no entries are required in this account if it can be determined that the related balances would be necessary to be retained to offset future group item tax deficiencies.

283 Accumulated deferred income taxes—Other.

* * * * *

D. * * * Upon the disposition by sale, exchange, transfer, abandonment, or premature retirement of plant on which there is a related balance herein, this account shall be charged with an amount equal to the related income tax expense, if any, arising from such disposition and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited. When the remaining balance, after consideration of any related income tax

expenses, is less than $25,000, this account shall be charged and account 411 credited with such balance. If after consideration of any related income tax expense, there is a remaining amount of $25,000 or more, the Commission shall authorize or direct how such amount shall be accounted for at the time approval for the disposition of accounting is granted. When plant is disposed of by transfer to a wholly owned subsidiary, the related balance in this account shall also be transferred. When the disposition relates to retirement of an item or items under a group method of depreciation where there is no tax effect in the year of retirement, no entries are required in this account if it can be determined that the related balances would be necessary to be retained to offset future group item tax deficiencies.

(E) This order is effective upon issuance.

(F) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.71-15837 Filed 10-29-71;8:48 am]

Title 39—POSTAL SERVICE

Chapter I—U.S. Postal Service

PART 122—ADDRESSES

MISCELLANEOUS AMENDMENTS TO CHAPTER

Title 39, Chapter I is amended as set forth below:

Section 122.8 is amended to reflect the changed mailing address of Air Force members receiving mail through a postal service center (PSC).

Accordingly, in § 122.8 *Military mail,* make the following changes: 1. Paragraphs (a) (1) and (b) (1) of § 122.8 are amended to read as follows:

§ 122.8 Military mail.

(a) * * *

(1) *Army and Air Force.* Show grade; full name, including first name and middle name or initial; social security account number; PSC box number if served by a PSC, or organization if not served by a PSC (and box number, if appropriate); APO number and the post office through which the mail is to be routed.

Examples:

Army:
Pvt. Willard J. Doe, 300-52-6111, Company F, 167th Infantry Reg, APO New York 09801.
Air Force: Personnel served by PSC
A1C Howard J. Doe, FR 248-60-5033, PSC Box 861, APO New York 09109.
Air Force: Personnel served by unit mail-room
SSgt. James T. Duncan, FR 123-65-1048, 1838 Elect Instl Sq, Box 137, APO San Francisco 96274

* * * * *

(b) * * *

(1) *Army and Air Force.* Show grade; full name, including first name and middle name or initial; social security account number; PSC box number if served by a PSC, or organization if not served by a PSC (and box number, if appropriate); military installation, State, and the ZIP Code.

Examples:

Army:
Pvt. Willard J. Doe, 300-52-6111, Co B, 1st Bn, 12th Infantry, Fort Lewis, WA 98433.
Air Force: Personnel served by PSC
Sgt. John Goleski, FR 212-73-1954, PSC Box 1843, Vandenberg AFB CA 93437.
Air Force: Personnel served by Unit mail room
A1C Walter J. Larkin, FR 062-18-6934, 1 Strat Aerosp Div, Box 107, Vandenberg AFB CA 93437.

* * * * *

PART 125—SECOND-CLASS BULK MAILINGS

Section 125.4(b) is amended to specify that second-class newspapers which are eligible for newspaper treatment must be made up in sacks unless an exception is approved by the regional Postmaster General.

Accordingly, in § 125.4 *Newspaper treatment,* amend paragraph (b) to read as follows:

§ 125.4 Newspaper treatment.

* * * * *

(b) *Preparation for mailing.* Newspapers must be made up in sacks unless an exception is approved by the regional Postmaster General pursuant to the provisions of § 125.3(b) (6). The sacks must be plainly labeled "Newspapers" or "News" and will be made up in accordance with § 125.3(b). Label in the following manner:

CINCINNATI OH 452,
NEWS,
THE REGISTER COLUMBUS OH.
PCC SAN FRANCISCO CA 962,
NEWS APO 96360,
THE RECORDER, NEW YORK NY.

* * * * *

PART 158—FORWARDING MAIL

Section 158.4 is amended to specify the proper way of handling copies of publications which are addressed to military personnel at APO/FPO addresses who have been transferred to the United States.

Accordingly, in § 158.4 *Address changes of persons in U.S. service,* amend the exception therein stated to read as follows:

§ 158.4 Address change of persons in U.S. service.

* * * EXCEPTION: Second-class mail will not be forwarded between the United States and overseas APO/FPO addresses by military authorities. Copies of publications addressed to military personnel transferred to overseas assignments will be endorsed by military personnel "Forwarding Prohibited, Addressee Assigned Overseas" and returned to the post office for disposition. Copies of publications addressed to military personnel at their APO/FPO address who have been transferred to the United States will be endorsed by military personnel "Forwarding Prohibited, Addressee Returned to the U.S." and returned to the military post office for disposition. Additional treatment of second-class mail shall be as outlined in § 159.2(b) of this chapter.

PART 159—UNDELIVERABLE MAIL

Section 159.1 is amended to reflect enactment of Public Law 90-590 relating to false representations.

§ 159.1 [Amended]

Accordingly, in § 159.1 *Provisions applicable to all classes,* make the following changes in paragraph (a) (2) (ii):

1. Amend item (12) to read as follows:

(12) Return to sender; order issued against addressee for violation of False Representation Law.	Mail is returned to sender under a false representation order.

2. Amend item (15) to read as follows:

(15) Lottery mail.....	Mail is returned to sender under a lottery order.

3. Delete item (17); and redesignate item (18) as item (17).

PART 171—MONEY ORDERS

Section 171.3(d) is amended to authorize only the payee to endorse money orders.

Accordingly, in § 171.3 *Cashing money orders,* amend paragraph (d) (1) (i) to read as follows:

§ 171.3 Cashing money orders.

* * * * *

(d) *Payment of orders to other than payee*—(1) *Transfer of money order*—(i) *By payee.* Only the payee of a money order may endorse it to any other person or firm.

* * * * *

PART 233—INSPECTION SERVICE AUTHORITY

In Part 233 the following changes are made in order to reflect current law:

1. In the table of contents change the section caption for § 233.2 to read: Withdrawal of mail privileges.

2. Add new § 233.2 to read as follows:

§ 233.2 Withdrawal of mail privileges.

(a) *False representation and lottery mail orders.* (1) When a person or concern is using the mails to conduct a lottery or scheme seeking remittances in the mail based on false representations, the Postal Service, upon satisfactory evidence received by it, may order such mail returned to senders marked as the case may be, "Lottery Mail" or "Return to Sender: Order Issued Against Addressee for Violation of False Representation

Law." The judicial officer acts on behalf of the Postal Service in these matters.

(2) Notice of these orders is published in the Postal Bulletin.

(3) Notices of orders against foreign enterprises are cumulated in Publication 43 (distributed to exchange offices).

(4) Each order against a domestic enterprise is enforced only by the post office designated in the order. Each order against a foreign enterprise is enforced by all exchange offices.

(b) *Fictitious name or address orders.* When a person or concern uses a fictitious, false, or assumed name, title, or address to conduct an unlawful business through the mail, the Postmaster General may, upon evidence satisfactory to him, order such mail returned to the sender marked "Fictitious." Fictitious name or address orders appear in the Postal Bulletin and must be strictly observed. See § 123.4(d) of this chapter.

PART 257—PHILATELY

Section 257.4(d) is amended to state that, in certain cases, addresses may be omitted from envelopes or cards submitted to be postmarked for philatelic purposes.

Accordingly, in § 257.4 *Cancellations for philatelic purposes,* amend paragraph (d) to read as follows:

§ 257.4 Cancellations for philatelic purposes.

* * * * *

(d) *Preparation requirements.* Post cards, postal cards, and envelopes submitted for philatelic or other purposes must bear complete addresses, and postage at the applicable rate, to be postmarked. However, for the first day of issue of a new stamp, embossed envelope or postal card, or for a philatelic event created by public demand and evidenced by use of special cachets on the envelopes or cards, addresses may be omitted. Requests to omit addresses for philatelic events should be forwarded to Manager, Philatelic Affairs Division, U.S. Postal Service, Washington, D.C. 20260. (See § 257.3 for postage on mail to be canceled with a special cancellation.) After they are postmarked they may be either dispatched or handed back to the person presenting them. This does not apply to any arrangements made by the Postal Service under §§ 257.2 and 257.3 of this chapter.

(39 U.S.C. 401)

DAVID A. NELSON,
Senior Assistant Postmaster General and General Counsel.

[FR Doc.71-15850 Filed 10-29-71;8:49 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 9—Atomic Energy Commission

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following subpart, AECPR 9-1.13, *Minority Business Enterprises,* is added to implement and supplement FPR 1-1.13, *Minority Business Enterprises,* to apply this policy to the Commission's contracting program and to the procurement of its cost-type contractors. Changes in AECPR Parts 9-7, 9-16, and 9-59 related to this addition are also included.

1. The following new subpart, AECPR 9-1.13, Minority Business Enterprises, is added:

Subpart 9-1.13—Minority Business Enterprises

Sec.
9-1.1300 Scope of subpart.
9-1.1310 Policy.

AUTHORITY: The provision of this new Subpart 9-1.13 issued under sec. 161 of the Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205 of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.

PART 9-1—GENERAL

Subpart 9-1.13—Minority Business Enterprises

§ 9-1.1300 Scope of subpart.

This subpart implements and supplements the policies, procedures, and contract clauses applicable to the participation of minority business enterprises in Government procurement, at the prime and subcontract level, as set forth in FPR Subpart 1-1.13.

§ 9-1.1310 Policy.

(a) It is the policy of the AEC to afford minority business enterprises the maximum practicable opportunity to participate in the performance of its contracts and subcontracts. This policy shall be applied to cost-type contractor procurement.

(b) Managers of field offices shall appoint persons under their jurisdiction to serve as liaison officers who will administer the minority business enterprises program. Managers of field offices shall request cost-type contractors to make similar appointments.

PART 9-7—CONTRACT CLAUSES

Subpart 9-7.50—Use of Standard Clauses

2. In Subpart 9-7.50, Use of Standard Clauses, § 9-7.5005 *Standard FPR clauses not included in § 9-7.5004,* two new subsections are added, § 9-7.5005-21 *Utilization of minority business enterprises,* and § 9-7.5005-22 *Minority business enterprise subcontracting program.*

* * * * *

§ 9-7.5005 Standard FPR clauses not included in § 9-7.5004.

* * * * *

§ 9-7.5005-21 Utilization of minority business enterprises.

See FPR 1-1.1310-2(a).

§ 9-7.5005-22 Minority business enterprise subcontracting program.

See FPR 1-1.1310-2(b).

PART 9-16—PROCUREMENT FORMS

Subpart 9-16.1—Forms for Advertised Supply Contracts

3. In Subpart 9-16.1, *Forms for Advertised Supply Contracts,* § 9-16.104-50 *AEC additions to Standard Form 32, General Provisions (Supply Contract) (November 1969 edition),* two new subparagraphs are added under paragraph (b)(1).

§ 9-16.104-50 AEC additions to Standard Form 32, General Provisions (Supply Contract) (November 1969 edition).

* * * * *

(b) * * *

1. * * *

"(v) Utilization of minority business enterprises (FPR 1-1.1310-2(a), under the circumstances set forth in that section)."

"(vi) Minority business enterprises subcontracting program (FPR 1-1.1310-2(b), under the circumstances set forth in that section)."

Subpart 9-16.4—Forms for Advertised Construction Contracts

4. In § 9-16.404-50 *AEC authorized additions to Standard Form 19,* a new subparagraph is added under paragraph (b).

§ 9-16.404-50 AEC authorized additions to Standard Form 19.

* * * * *

(b) * * *

(8) Utilization of minority business enterprises (FPR 1-1.1310-2(a)).

5. In § 9-16.404-52 *AEC additions to Standard Form 23A, General Provisions (Construction Contract) (October 1969 edition),* two new subparagraphs are added under paragraph (b).

§ 9-16.404-52 AEC additions to Standard Form 23A, General Provisions (Construction Contract) (October 1969 edition).

* * * * *

(b) * * *

(5) Utilization of minority business enterprises (FPR 1-1.1310-2(a)).

(6) Minority business enterprises subcontracting program (FPR 1-1.1310-2(b)).

Subpart 9-16.7—Forms for Negotiated Architect-Engineer Contracts

* * * * *

6. In Subpart 9-16.7, *Forms for Negotiated Architect-Engineer Contracts,* § 9-16.703-50 *Terms, conditions, and provisions,* paragraphs (28) through (30) are revised as follows:

§ 9-16.703-50 Terms, conditions, and provisions.

* * * * *

"(28) *Utilization of minority business enterprises* (FPR 1-1.1310-2(a)).

"(29) *Property* (§ 9-7.5006-27).

"(30) *Reports.*

"(The nature and quantity of any reports, such as reports of the progress of the architect-engineer work, which will be required of the contractor shall be set forth in this clause or incorporated by reference in this clause and in an appendix to be attached to

the contract. Contracting officers will be expected to require in most cases that reports be furnished at intervals disclosing the progress of the architect-engineer work.)"

Subpart 9–16.50—Contract Outlines

7. In § 9–16.5002–2 *Outline of a cost-plus-a-fixed-fee supply contract (performed by commercial concerns in contractor's facilities)*, two new paragraphs are added.

§ 9–16.5002–2 Outline of a cost-plus-a-fixed-fee supply contract (performed by commercial concerns in contractor's facilities).

* * * * *

"(41) Utilization of minority business enterprises—FPR 1–1.1310–2(a), as required by that section.

"(42) Minority business enterprise subcontracting program—FPR 1–1.1310–2(b), as required by that section."

8. In § 9–16.5002–4 *Outline of a cost-plus-a-fixed-fee construction contract*, Articles XXXIII through XXXVI are rewritten as follows:

§ 9–16.5002–4 Outline of a cost-plus-a-fixed-fee construction contract.

* * * * *

Article XXXIII—Small business subcontracting program. Insert the clause set forth in FPR 1–1.710–3(b) under the conditions and in the manner prescribed in that section.

Article XXXIV—Utilization of minority business enterprises. Insert the clause set forth in FPR 1–1.1310–2(a) under the conditions and in the manner prescribed in that section.

Article XXXV—Minority business enterprises subcontracting program. Insert the clause set forth in FPR 1–1310–2(b) under the conditions and in the manner prescribed in that section.

Article XXXVI—Priorities, allocations, and allotments. Insert contract clause set forth in § 9–7.5006–52:

In witness whereof, the parties hereto have executed this contract as of the day and year above written:

UNITED STATES OF AMERICA

By _____

_____

(Title)

UNITED STATES ATOMIC ENERGY COMMISSION

_____

(Contractor)

By _____

_____

(Title)

I, _____, certify that
(Attester)

I am the _____ of the
(Title)

Contractor named in this contract; that _____ who signed this
(Signatory)

contract on behalf of said Contractor was then _____ of said Con-
(Title)

tractor; that this contract was duly signed for and on behalf of said Contractor by authority of its governing body and is within the scope of its legal powers.

In witness whereof, I have hereunto affixed my hand and the seal of said Contractor.

[SEAL] _____

9. In § 9–16.5002–5 *Outline of a cost-plus-a-fixed-fee architect-engineer contract*, Articles XXXVII through XXXVIX are rewritten as follows:

§ 9–16.5002–5 Outline of a cost-plus-a-fixed-fee architect-engineer contract.

* * * * *

Article XXXVII—Utilization of minority business enterprises. Insert the clause set forth in FPR 1–1.1310–2(a) under the conditions and in the manner prescribed in that section.

Article XXXVIII—Minority business enterprises subcontracting program. Insert the clause set forth in FPR 1–1.1310–2(b) under the conditions and in the manner prescribed in that section.

Article XXXVIX—Priorities, allocations, and allotments. Insert contract clause set forth in § 9–7.5006–52.

In witness whereof, the parties hereto have executed this Contract as of the day and year above written:

UNITED STATES OF AMERICA

By _____

_____

(Title)

UNITED STATES ATOMIC ENERGY COMMISSION

_____

(Contractor)

By _____

_____

(Title)

I, _____, certify that I
(Attestor)

am the _____ of the Con-
(Title)

tractor named under this contract; that _____ who signed this
(Signatory)

contract on behalf of said Contractor was then _____ of said Con-
(Title)

tractor; that this contract was duly signed for and on behalf of said Contractor by authority of its governing body and is within the scope of its legal powers.

In witness whereof, I have hereunto affixed my hand and the seal of said Contractor.

[SEAL] _____

* * * * *

10. In § 9–16.5002–8 *Outlines of special research support agreement with educational institutions*, Articles B–XXVI through B–XXIX are rewritten as follows:

§ 9–16.5002–8 Outlines of special research support agreement with educational institutions.

* * * * *

ARTICLE B–XXVI—UTILIZATION OF MINORITY BUSINESS ENTERPRISES

Insert the clause set forth in FPR 1–1.1310–2(a) under the conditions and in the manner prescribed in that section.

ARTICLE B–XXVII—SOVIET-BLOC CONTROLS

Insert the clause set forth in § 9–7.5006–53.

ARTICLE B–XXVIII—DETERMINATION OF SUPPORT COSTS

(a) The term "Support Cost" as used in this contract means the Commission's share[1] of the sum of costs incurred by the Contractor for items included under Article A–II(a) of Appendix A which are in furtherance of the work hereunder, which are incurred in accordance with the provisions of this contract, and which are reported to the AEC in accordance with (b) below. The term "Cumulative Support Cost" as used in this contract means the total of the Support Cost incurred during the initial contract period plus any extension periods of the contract.

(b) Within 3 months after the end of each contract period set forth in Appendix A, and within 3 months after the termination or expiration of the total period of performance, the Contractor shall furnish a certified statement, executed by an official of the Contractor and also signed by the principal investigator, showing the Contractor's cost, and evidencing its performance under the contract, during the contract term just completed. The statement shall show all costs incurred during the pertinent contract term set forth in Appendix A for items under Article A–II(a) of Appendix A, including the Contractor's share, if any, of such costs, and show the extent of the Contractor's contribution of items listed under Article A–II(b)(1) of Appendix A. Costs incurred in the certified statement may include the following: Expenditures of cash; the cost of material and supplies transferred from stores inventory; and the amount due the Contractor for indirect costs in accordance with the rate and factor or factors shown in Appendix A of the contract for the pertinent contract period. The costs of the pertinent contract period shall be consistent with the principles of the Bureau of the Budget Circular A–21, as constituted on the effective commencement date of said period. The certified statement shall be in the form set forth in Appendix C.

(c) The Contractor understands that the Commission expects to rely on this certified statement for determining the Support Cost for the pertinent contract period. With respect to any period in which proportionate cost-sharing is applicable, the Support Cost for the pertinent period will be determined by applying the percentage figure included in Article A–III for the pertinent period, to the certified cost of items included under Article A–II(a) incurred during the pertinent contract. All charges to the AEC shall be subject to the approval requirements of this contract. The Contractor is expected to maintain auditable records as contemplated by Article B–II(c) to substantiate the costs incurred for items under Article A–II(a) and to show the extent of the Contractor's contribution of items listed under Article A–II(b)(1).

ARTICLE B–XXIX—ADDITIONAL APPROVALS

(a) In addition to such approvals as are specifically required by other provisions of this contract, the Contractor shall obtain the Commission's approval for:

(1) Acquisition of:

(i) An item of equipment, not itemized in Appendix A, involving an acquisition cost in excess of $1,000 or 2 percent of the total estimated cost specified in A–III of Appendix A, whichever is greater, unless such equipment is merely a different model of an item listed in Appendix A. (When plant and equipment funds are provided for the acquisition of Government property, the Headquarters Program Divisions may require, in specific cases, that such funds be used only for acquiring the equipment designated in Article V, unless prior AEC approval has been obtained.)

(ii) Any equipment not itemized in Appendix A, the acquisition cost of which will cause the equipment dollar level shown in Article A–II(a) of Appendix A to be increased by $500 or more. (If plant and equipment funds are provided for the acquisition of equipment, with title to be vested in the

[1] In those cases in which there is no proportionate sharing of costs, the Commission's "share" will be 100 percent. With respect to any period in which proportionate cost sharing is applicable pursuant to Article A–III, it is understood that the support cost for that specified period will equal the stipulated percent of the sum of costs incurred by the Contractor during the stated period for items under A–II(a) of Appendix A, not to exceed 110 percent of the estimated support cost set forth in Article A–III for that contract period except as otherwise approved by the AEC.

Government, the total cost of such equipment acquisitions shall not exceed the amount budgeted for such equipment unless prior AEC approval has been obtained.)

(2) Purchase of any general purpose equipment, such as office furniture or air conditioning, not specifically provided for in Appendix A, except that purchased without cost to the Commission.

(3) Incurring costs during the pertinent contract period set forth in Appendix A, for items set forth in Article A–II(a), in excess of 110 percent of the estimated cost specified in Article A–III for the pertinent contract period; charges to the Commission for any such costs incurred with the approval of the Commission shall also be subject to the limitations of Article III.

(4) A change of the principal investigator, or continuation of the research work without direction by an approved principal investigator. The principal investigator may increase or decrease the amount of effort which he devotes to the project without obtaining Commission approval; however, the principal investigator shall consult with the appropriate AEC Headquarters program representatives if he plans to, or becomes aware that he will, devote substantially less effort to the work than anticipated in Article A–I. The purpose of such consultation will be to determine what effect, if any, the anticipated change will have on the research work.

(b) No change in the phenomenon or phenomena under study, i.e., broad category of the research under this contract, shall be made without the specific written approval of the Commission; ordinarily, such changes, if approved by the Commission, will be accomplished through a new contract or a mutually agreed-to modification. The Contractor may change the specific objectives in the research work described in this contract, provided it gives the Commission prompt notification of such changes; and the Contractor may continue to follow the new objectives while the Commission determines whether it wishes to continue the program under the changed approach.

APPENDIX C

U.S. ATOMIC ENERGY COMMISSION

Statement of Costs

1. Name and adress of Contractor:_____

_____

2. Contract number:_____

3. Beginning and ending date of pertinent contract period:_____

_____

4. Costs incurred during the pertinent contract period. (List only those costs which are to be reimbursed by the AEC or proportionately shared by the parties in accordance with Article A–II(a) and Article A–III.)

Cost categories[1]	*Amount*
a. *Salaries and wages* [List personnel included in Article A–II(a) of Appendix A in same detail as shown in the Contractor's payroll distribution or time and attendance records.]	$_____
b. *Supplies and materials* [Show in same detail as in Appendix A.]	_____
c. *Equipment* [List separately the cost of each piece of equipment separately listed in Appendix A to the contract or for which separate approval was obtained from AEC.]	_____
d. *Publications*	_____
e. *Travel*	_____
f. Other [List separately each type of cost included in this category.]	_____
g. *Total Direct Expenditures*	_____
h. *Indirect Charges* [Indicate percent and expenditures to which percent is applied.]	_____
5. *Total Costs* for items under Article A–II (a) for pertinent contract period	_____
6. *Support Cost* for the pertinent contract period set forth in Appendix A, as defined in Article B–XXVII of the contract, chargeable to AEC for the pertinent contract period (percent of Total Costs using percent shown in Article A–III of Appendix A for pertinent period of contract)	_____
7. *Cumulative Support Cost* (Support Cost under this statement plus Support Cost for previous periods of the contract)	_____
8. *Accumulated Support Ceiling* in Article III of the contract	_____
9. Provide information regarding contributions by the Contractor of items listed in Article A–II(b) of Appendix A during pertinent contract period. State the extent of the Contractor's actual contribution; the measure of such contributions should be in the same terms as the Contractor's commitment under Article A–II(b), e.g., time, dollar, etc.	_____

[1] The listing of categories should be consistent with the itemization in appendix A.

I hereby certify that this report is true and correct to the best of my knowledge and belief and that the costs listed herein were incurred in connection with the performance of the research provided for under this contract and in accordance with the terms and conditions set forth therein.

_____

(Name and Title of principal investigator)

_____ _____

(Signature) (Date)

_____

(Name and title of business officer)

_____ _____

(Signature) (Date)

11. In § 9–16.5002–9 *Outline of cost-type contract for research and development with educational institutions,* two new articles are added at the end as follows:

§ 9–16.5002–9 Outline of cost-type contract for research and development with educational institutions.

* * * * *

ARTICLE B–43—UTILIZATION OF MINORITY BUSINESS ENTERPRISES

Insert the clause set forth in FPR 1–1.1310–2(a) under the conditions and in the manner prescribed in that section.

ARTICLE B–44—MINORITY BUSINESS ENTERPRISES SUBCONTRACTING PROGRAM

Insert the clause set forth in FPR 1–1.1310–2(b) under the conditions and in the manner prescribed in that section.

PART 9–59—ADMINISTRATION OF COST-TYPE CONTRACTOR PROCUREMENT ACTIVITIES

12. In AECPR Part 9–59, *Administration of Cost-Type Contractor Procurement Activities,* § 9–59.004 *AECPR–FPR provisions pertaining to cost-type contractor procurement,* is revised to read as follows:

§ 9–59.004 AECPR–FPR provisions pertaining to cost-type contractor procurement.

The AECPR–FPR provisions referenced below pertain to cost-type contractor procurements and are listed in this part to facilitate administration. Some of these provisions are implementations of statutory or other requirements and AEC-wide policies, which provide little or no basis for the exercise of judgment. However, to the extent such provisions permit or provide for the exercise of judgment, contracting officers should be guided by good business practice and the best interests of the Government.

Subject	*Reference*
Federal Paper Specifications.	9–1.305–1(b).
Contingent Fees	9–1.501.
Small Business and Labor Surplus Area Concerns.	1–1.710–1 (a) and (c), 9–1.702–(b)(2), 1–1.805–1.
Qualified Products	9–1.11.
Minority Business Enterprises.	9–1.1310 (a) and (b), 1–1.1310 (1) and (2).
Organizational Conflicts of Interest.	9–1.5403.
Price Negotiation Policies and Techniques.	1–3.8, 9–3.800.
Subcontracting Policies and Procedures.	1–3.9, 9–3.901.
Public Utilities	9–4.402(b).
Livestock Products	9–4.601.
Indemnity Representation.	9–4.5008.
Measurement Differences, SSNM Transfers.	9–4.5300.
Enriched Uranium Agreements.	9–4.5400.
Multiyear Procurement	9–4.5500.
Special and Directed Sources.	1–1.319, 9–5.000.
Foreign Purchases	9–6.100, 9–6.800, 9–18.600.
Clauses	9–7.000–50, 9–14.–5002, 9–7.5003 (c).
Termination	9–8.000.
Patents and Copyrights	9–9.5001, 9–9.–5101.
Bonds and Insurance	9–10.000.
Taxes	9–11.203, 9–11.–350, 9–11.4.
Labor	9–12.000, 1–12.8.
Cost Principles	9–15.50.
Construction	9–18.150, 1–18.–305(b), 9–18.–305, 9–18.50, 9–18.103.
Contract Finance	1–30.4, 1–30.5, 9–30.4, 9–30.5, 9–30.7.
Approval of Contracts	9–51.200, 9–51.–400, 9–51.500, 9–51.600,
Procedures for handling mistakes under cost-type contractor procurement.	9–59.005.
Contractor-controlled sources.	
Subcontractor Selection	9–56.002, 9–56.–405.

Records and reports	*Reference*
Small Business and Labor Surplus Reports.	9-1.709, 9-1.807.
Possible Antitrust Violations.	9-1.901.
Identical Bids	9-1.1603.
Dissemination of Procurement Information.	9-3.103.
Contract Reporting	9-54.
Justifications	9-55.102-3, 9-55.204.

Effective date. These amendments are effective upon publication in the FEDERAL REGISTER (10-30-71).

For the U.S. Atomic Energy Commission.

Dated at Germantown, Md. this 22d day of October 1971.

JOSEPH L. SMITH,
Director,
Division of Contracts.

[FR Doc.71-15801 Filed 10-29-71;8:45 am]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

POLICY ON PROCUREMENT OF ADDITIONAL SYSTEMS AND EQUIPMENT FOR MOTOR VEHICLES

This amendment (1) continues in effect the policies established by FPMR Temporary Regulation E-14 and Supplement 1 thereto, and FPMR Temporary Regulation E-16 with respect to the procurement of additional systems and equipment for motor vehicles, and (2) illustrates the current edition of GSA Form 1781, Motor Vehicle Requisition—Delivery Order—Invoice.

PART 101-25—GENERAL

The table of contents of Part 101-25 is amended to add the following new entries:

101-25.304	Additional systems and equipment for passenger motor vehicles.
101-25.304-1	Selection guidelines.
101-25.304-2	Air-conditioning guidelines.

Subpart 101-25.3—Use Standards

Subpart 101-25.3 is amended by adding new §§ 101-25.304, 101-25.304-1, and 101-25.304-2 to read as follows:

§ 101-25.304 Additional systems and equipment for passenger motor vehicles.

In accordance with the provisions of § 101-26.501, passenger motor vehicles may be procured with additional systems and equipment as listed in Federal Standard No. 122 (i.e., the latest edition or any interim standard being used temporarily as a replacement); and applicable additional systems and equipment so indicated in the standard may be procured for Government owned or operated passenger motor vehicles, provided the guidelines contained in this § 101-25.304 are met. With respect to procurement of additional systems and equipment for Government owned or operated passenger motor vehicles, a determination shall be made that vehicles for which additional systems and equipment are to be procured have at least 2 years expected remaining serviceable life and have been driven less than 40,000 miles. If the guidelines cannot be met or the required item is not shown in the standard and the agency considers the item to be essential, a justification shall be submitted to the Commissioner, Federal Supply Service, General Services Administration, Washington, D.C. 20406, for approval, prior to procurement.

§ 101-25.304-1 Selection guidelines.

The procurement shall be based on the need to provide for overall economy, efficiency, safety, and suitability of the vehicle with the additional items, and in consideration of the:

(a) Climatic conditions prevailing in the area of vehicle operation.

(b) Effect on vehicle operational capability.

(c) Special terrain requirements.

(d) Availability of maintenance and service facilities.

§ 101-25.304-2 Air-conditioning guidelines.

Where the guidelines in § 101-25.304-1 have been met and the vehicle involved will operate principally in the geographic areas shown in the shaded portion of the map illustrated in Federal Standard No. 122, air conditioning may be procured without further justification; provided that the head of the agency or his designee has determined that air-conditioning equipment is required in consideration of safety, efficiency, and economy.

(a) Where the vehicle involved will operate in areas other than those in the shaded area on the map or outside of the United States, justification for air conditioning would be appropriate if the vehicle will operate principally in areas which maintain a "700 cooling degree day." Computation for a cooling degree day, using the 4 hottest months of the year is as follows:

(1) For each day, average the high and low of the daily recorded temperatures to obtain the daily average temperature.

(2) For each day, subtract the base value of 65° F. from the daily average temperature, with negative results being zero.

(3) Total all the daily remainders to obtain the total cooling degree days for the 4 months.

(b) If air conditioning is determined essential and the guidelines cannot be met, the agency shall request approval by submitting a justification to the Commissioner, Federal Supply Service, General Services Administration, Washington, D.C. 20406, pursuant to § 101-25.304.

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 101-26.5—GSA Procurement Programs

1. Section 101-26.501 is revised to read as follows:

§ 101-26.501 Purchase of new motor vehicles.

With respect to the procurement of new sedans and station wagons, it shall be the policy to procure those defined as standard passenger vehicles in Federal Standard No. 122, unless other than such standard vehicles are specifically required. Those items defined as standard passenger vehicles in Federal Standard No. 122 are considered to be completely equipped for ordinary operation thus subject to the statutory maximum price limitation. Items included in Federal Standard No. 122 other than those listed as standard are considered to be additional systems and equipment for passenger vehicles. Agencies requiring other than standard sedans and station wagons shall justify the need for such requirements and shall retain the justification in their files. (Federal Standards Nos. 122, 292, and 307 as used in this section means the latest edition and includes any interim standard being used temporarily as a replacement.)

(a) Selection of additional systems or equipment in vehicles shall be made by the requiring agency and shall be based on the need to provide for overall safety, efficiency, economy, and suitability of the vehicle for the purposes intended pursuant to § 101-25.304. The essentiality of such systems or equipment shall be weighed against the economic factors involved and potential benefits to be derived therefrom.

(b) Additional systems or equipment requested to be purchased by GSA will be construed to have been determined essential for the effective operation of the vehicle involved by the agency head or his designee. Where systems or equipment other than those listed in Federal Standard No. 122 are requested, such systems or equipment shall be considered and treated as deviations pursuant to § 101-26.501-3(b).

2. Section 101-26.501-3 is amended to read as follows:

§ 101-26.501-3 Submission of requirements.

* * * * *

(c) GSA Form 1781, Motor Vehicle Requisition—Delivery Order—Invoice (illustrated at § 101-26.4902-1781) has been specifically designed for agency use to expedite ordering vehicles covered by Federal Standard No. 122, Federal Standard No. 292, or Federal Standard No. 307. The form is also used by GSA as a purchase order and an interagency invoice and by the consignee as a receiving report. Agencies are requested to use GSA Form 1781 as a single-line-item requisition for standard-type vehicles. For ease in placing requirements, the appropriate item number for passenger vehicles equipped to meet specific operational needs may be selected from the applicable table in Federal Standard No. 122; additional systems and equipment may be added by inserting the appropriate code for the selected items from the table listing those items in the standard and inserting such codes

in the "Standard Options" portion of block 10 on the form. If a vehicle equipped as listed in Federal Standard No. 122 includes items which are not required, the item number of the standard vehicle which represents the minimum wheelbase required should be selected, and all the additional systems or equipment required should be identified by inserting in the appropriate portion of block 10 of the GSA Form 1781, the appropriate codes from the table in the standard listing such additional systems or equipment. Submission of GSA Form 1781, properly completed, will satisfy the requirements regarding the submis- paragraph (a) of this section. If it is not feasible to use the GSA Form 1781 as a requisition, agencies may prepare the form as an attachment code sheet, identifying each line item on their request. Whether used as a requisition or as an attachment thereto, the GSA Form 1781 permits agencies to eliminate lengthy vehicle descriptions. Instructions for preparation of GSA Form 1781 are printed on the reverse of the form.

* * * * *

Subpart 101–26.49—Illustrations of Forms

Section 101–26.4902–1781 is revised to reflect the current edition of GSA Form 1781 as follows:

§ 101–26.4902–1781 GSA Form 1781, Motor Vehicle Requisition—Delivery Order—Invoice.

NOTE: The form in 101–26.4902–1781 is filed as part of the original document. The current edition of GSA Form 1781 is dated October 1970.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (10–30–71).

Dated: October 28, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71–15927 Filed 10–29–71;8:51 am]

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Motor Vehicle Safety Standard No. 117]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Retreaded Pneumatic Tires—Reconsideration; Amendment of Standard

This notice is issued in response to petitions for reconsideration received concerning Motor Vehicle Safety Standard No. 117, "Retreaded Pneumatic Tires," 49 CFR 571.21, published April 17, 1971 (36 F.R. 7315).

Timely petitions were received from eight parties; Bandag, Inc., National Tire Dealers and Retreaders Association (by the firm of Sellers, Conner & Cuneo), the Mississippi Independent Tire Dealers Association, Alabama Tire Dealers and Retreaders Association, and the Louisiana Independent Tire Dealers Association, Owens-Corning Fiberglas Corp., American Retreaders Association, the Goodyear Tire and Rubber Co., the Rubber Manufacturers Association, and the B. F. Goodrich Tire Co. Certain other petitions were received more than 30 days after publication of the standard, and while they are petitions for rule making under the agency's procedural rules (49 CFR 553.35) they have been considered in the issuance of this notice.

1. *Availability of casings.* Paragraph S5.2.3 of the Standard requires that each retreaded tire be manufactured with a casing that has been labeled pursuant to S4.3 of Motor Vehicle Safety Standard No. 109. In effect, only casings from tires manufactured on or after August 1, 1968, have been required to have this information permanently labeled on the tire. According to many petitions, the period between August 1, 1968, and January 1, 1972, the standard's effective date, has been too short to allow the accumulation of a sufficient supply of casings that bear the required labeling. Many petitioners therefore requested that casings labeled pursuant to Standard No. 109 not be required until 1974 or 1975. These requests are denied. However, in order to make additional casings available the standard has been amended to allow, between January 1, 1972, and January 1, 1974, the use of some casings labeled with specific fractional markings that were first introduced in 1965. These casings are those for use on wheels having diameters of 14 or 15 inches, marked with the size designations 6.45, 6.85, 6.95, 7.35, 7.75, 8.15, 8.25, 8.45, 8.55, 8.85, 8.90, 9.00, or 9.15, and labeled with certain information as a result of the "Tire Advertising and Labeling Guides" which were adopted by the Federal Trade Commission on July 5, 1966. In situations where these casings are used, the retreader is required to label them further, in a permanent manner, with a maximum load rating and maximum permissible inflation pressure obtained from a table incorporated into the standard. Casings that contain the specified information, together with the maximum load rating and maximum permissible inflation pressure added by retreaders, will be labeled with most of the information required on new tires by Standard No. 109, and in accordance with section 201 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1421). Manufacturers who use these older casings should be aware, however, that retreaded tires manufactured with them must meet the same performance requirements as tires manufactured with casings that have been certified to be in compliance with Standard No. 109.

2. *Application of the DOT certification mark.* Paragraph S6. of the standard requires the manufacturer to certify each retreaded tire by affixing to the tire the symbol DOT, as provided in § 574.5 of the tire identification and recordkeeping regulations. The Administration takes the position that affixing the DOT before the effective date of the standard is inconsistent with the intent of the National Traffic and Motor Vehicle Safety Act, as it is only with respect to tires manufactured after the effective date that certification has legal significance. At the same time, under the Act all retreaded tires manufactured on or after January 1, 1972, must contain the DOT mark. Certain petitioners have indicated that it would be impossible, without a substantial disruption of business, for no tire to have a permanently affixed DOT symbol on or before December 31, 1971, and for all tires manufactured on January 1, 1972, and thereafter to have such a symbol. To remedy this problem the standard is being amended to allow the use of a paper label containing prescribed language to serve as a valid certification from January 1, 1972, through February 29, 1972.

3. *Retention of labeling.* Certain petitions requested that paragraph S6.2, which requires certain labeling on the casing to be retained, be amended because the labeling information sometimes appears in an area on the tire that is subject to buffing. Consequently, it is argued, it is impossible to retain the information through the retreading process. These requests are denied. The required labeling is essential to the appropriate use of the tire and varies from casing to casing. It has been determined that the most satisfactory way to ensure that correct information of this type appears on the completed tire is for the casing manufacturer's labeling to be retained. Casings that cannot be retreaded without destruction of the labeling will consequently be unsatisfactory for use.

4. *Casing with exposed cord.* Many petitioners objected to the requirements of paragraph S5.2.1 that prohibit the retreading of casings that have cord fabric exposed before or during processing. The argument presented is that such tires can be retreaded as effectively and will provide the same level of performance as tires manufactured from casings on which cord fabric is not exposed, as long as cords that are exposed are not damaged. These requests are denied.

The NHTSA recognizes that under optimum conditions, careful buffing that barely exposes, but does not touch, the tire cords can produce satisfactory results. In practice, however, tire buffing is often not done by precision methods or by highly trained personnel, especially in the case of smaller tire retreaders. Any buffing that damages or removes part of the tire cords reduces the strength of the carcass at that point. Thus, buffing to the cord materially increases the possibility of producing unsafe tires.

Furthermore, exposing tire cords in the retreading process can cause the retreaded tire to be unsafe even if the cord is not damaged. In the manufacture of new tires, the cords that eventually make up the carcass are passed through complex adhesive solutions of resin and latex, before being dried and coated with rubber. Exposed cords in buffed retread

carcasses generally do not receive comparable treatment to bond them to the overlaid rubber. Also, exposed carcass cords that are not promptly covered can absorb moisture from the air, which substantially weakens them.

Since the exposure of belts in belted tires does not carry with it the danger of impairment of carcass strength as does the exposure of ply cords, the standard is amended to make it clear that exposure of belt material during processing is allowed. Belt material may not, however, as specified in S5.2.1, be removed, added, or replaced. The petitions in this regard are denied for the reasons specified in the preamble to the standard published April 17, 1971.

5. *Physical dimension tolerances.* Several petitions noted that although retreaded tires may shrink during the retreading process, the physical dimension requirements of S5.1.2 allow only for a 10 percent tolerance over the maximum width to allow for service growth. An amendment to allow some shrinkage was requested. It has been determined that a minus 3 percent deviation from the specified section width is justified, and the standard is amended accordingly.

Effective date: January 1, 1972.

In the light of the above, Federal Motor Vehicle Safety Standard No. 117 in § 571.21 of Title 49, Code of Federal Regulations, is hereby amended as set forth below. This notice is issued under the authority of sections 103, 112, 113, 114, 119, and 201 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. secs. 1392, 1401, 1402, 1407, 1421), and the delegations of authority at 49 CFR 1.51.

Issued on October 22, 1971.

DOUGLAS W. TOMS,
Administrator.

1. Paragraph S5.1.2 is amended to read as follows:

S5.1.2 Except as specified in S5.1.3, each retreaded tire, when mounted on a test rim of the width specified for the tire's size designation in Appendix A of Motor Vehicle Safety Standard No. 109, shall comply with the requirements of S4.2.2.2 of Standard No. 109, except that the section width shall be not less than 3 percent, nor more than 10 percent, of the section width specified for its size designation and type in Appendix A of Standard No. 109.

2. Paragraph S5.1.4 is amended to read as follows:

S5.1.4 No retreaded tire shall have a recommended maximum load rating or maximum permissible inflation pressure that is greater than that originally specified on the casing pursuant to S4.3 of Motor Vehicle Safety Standard No. 109, or specified for the casing in Figure 1.

3. Paragraph S5.2.1 is amended to read as follows:

S5.2.1 No retreaded tire shall be manufactured with a casing—

(a) On which bead wire or cord fabric is exposed before processing, or

(b) On which bead wire or cord fabric, except for belt material, is exposed during processing.

4. Paragraph S5.2.3 is amended and a new paragraph S5.2.4 is added, to read as follows:

S5.2.3 Except as specified in S5.2.4, each retreaded tire shall be manufactured with a casing that has been labeled pursuant to S4.3 of Motor Vehicle Safety Standard No. 109.

S5.2.4 Until January 1, 1974, a retreaded tire may be manufactured with a casing that is for use on rims having diameters of 14 or 15 inches, that has a size designation of either 6.45, 6.85, 6.95, 7.35, 7.75, 8.15, 8.25, 8.45, 8.55, 8.90, 9.00, or 9.15, and that has been permanently labeled on the sidewall with each of the following:

(a) The generic name of the cord material used in the plies of the tire;

(b) The actual number of plies;

(c) The size of the tire; and

(d) Whether the tire is tubeless or tube type.

5. Paragraph S6 is amended by revising S6.1, amending S6.2 and redesignating it S6.3, and by adding a new paragraph S6.2, as set forth below:

S6. *Certification and labeling.*

S6.1 Except as specified in S6.2, each manufacturer of a retreaded tire shall certify that his product complies with this standard, pursuant to section 114 of the National Traffic and Motor Vehicle Safety Act of 1966, by labeling the tire with the symbol DOT in the location specified by § 574.5 of this chapter.

S6.2 From January 1, 1972, to February 29, 1972, inclusive, a manufacturer may certify compliance by affixing to the tread of the tire, in such a manner that it is not easily removable, a label that states in letters not less than three thirty-seconds of an inch high:

This retreaded tire was manufactured after January 1, 1972, and conforms to all applicable Federal motor vehicle safety standards.

S6.3 *Permanent labeling.*

S6.3.2 Each retreaded tire manufactured with a casing that has been labeled pursuant to S4.3 of Motor Vehicle Standard No. 109 shall retain enough of its original labeling that each item of information required by Standard No. 109 is clearly legible in at least one location on the completed retreaded tire.

E6.3.2 Each retreaded tire manufactured with a casing that meets the requirements of S5.2.4 shall—

(a) Retain enough of its original labeling that each item of information specified in S5.2.4 is clearly legible in at least one location on the completed retreaded tire; and

(b) Be permanently labeled during the retreading process with its maximum permissible inflation pressure and maximum load rating as specified in Figure 1, in the location specified in § 574.5 of this chapter for the placement of the tire identification number, in letters not less than one-fourth of an inch high, in the following form:

Max. inflation_____p.s.i.
Max. load_____lbs.

Tire size	Plies					
	2 ply-4 ply (4 ply rating)		4 ply (6 ply rating)		4 ply (8 ply rating)	
	Maximum load	Maximum inflation pressure	Maximum load	Maximum inflation pressure	Maximum load	Maximum inflation pressure
6.45-14	1,120	32	1,200	36	1,270	40
6.95-14	1,230	32	1,310	36	1,390	40
7.35-14	1,360	32	1,450	36	1,540	40
7.75-14	1,500	32	1,600	36	1,690	40
8.25-14	1,620	32	1,730	36	1,830	40
8.55-14	1,770	32	1,890	36	2,000	40
8.85-14	1,860	32	1,990	36	2,100	40
6.85-15	1,230	32	1,320	36	1,390	40
7.35-15	1,390	32	1,480	36	1,570	40
7.75-15	1,490	32	1,590	36	1,690	40
8.15-15	1,610	32	1,720	36	1,820	40
8.25-15	1,620	32	1,730	36	1,830	40
8.45-15	1,740	32	1,860	36	1,970	40
8.55-15	1,770	32	1,890	36	2,000	40
8.85-15	1,860	32	1,980	36	2,100	40
9.00-15	1,900	32	2,030	36	2,150	40
9.15-15	1,970	32	2,100	36	2,230	40
8.90-15	2,210	32	2,360	36	2,500	40

FIGURE 1

[FR Doc.71-16799 Filed 10-29-71;8:45 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[No. MC-C-4 (Sub-No. 1); Ex Parte No. MC-37]

PART 1048—COMMERCIAL ZONES

Los Angeles, Calif., Commercial Zone

Order. At a session of the Interstate Commerce Commission, Review Board No. 3, held at its office in Washington, D.C., on the 30th day of September 1971.

It appearing, that on June 19, 1950, the Commission made and entered its report, 51 M.C.C. 676, and order in these proceedings;

It further appearing, that by petition filed August 10, 1971, Cabot, Cabot & Forbes, Los Angeles Industrial Center, Inc., seeks an interpretation of the northern limits of the Los Angeles Harbor commercial zone at Compton, Calif.;

And good cause appearing therefor:

It is ordered, That § 1048.5 of Part 1048 of Title 49 of the Code of Federal Regulations be, and it is hereby, amended to read as follows:

§ 1048.5 Los Angeles, Calif., and contiguous and adjacent municipalities.

(a) The exemption provided by section 203(b)(8) of Part II of the Interstate Commerce Act to the extent it affects transportation by motor vehicle, in interstate or foreign commerce, performed wholly within Los Angeles, Calif., or wholly within any municipality contiguous or adjacent to Los Angeles, Calif., or wholly a part of Los Angeles, as defined in paragraph (b) of this section, or wholly within the zone adjacent to and commercially a part of the San Pedro, Wilmington, and Terminal Island Districts of Los Angeles and Long Beach, as defined in paragraph (c) of this section, or wholly within the zone of any independent municipality contiguous or

adjacent to Los Angeles, as determined under § 1048.101, or otherwise, between any point in Los Angeles County, Calif., north of the line described below, on the one hand, and, on the other, any point in Los Angeles County, Calif., south thereof is hereby removed and the said transportation is hereby subjected to all the applicable provisions of the Interstate Commerce Act:

Beginning at the Pacific Ocean, and extending easterly along the northern and eastern corporate limits of Manhattan Beach to the northern corporate limits of Redondo Beach, thence along the northern and eastern corporate limits of Redondo Beach to the intersection of Inglewood Avenue and Redondo Beach Boulevard, thence along Redondo Beach Boulevard to the corporate limits of Torrance, thence along the northwestern and eastern corporate limits of Torrance to 182d Street, thence along 182d Street, Walnut, and Main Streets to Alondra Boulevard, thence along Alondra Boulevard to its intersection with Dwight Avenue, thence southerly along Dwight Avenue and an imaginary straight line extending southward to Greenleaf Boulevard, thence eastward along Greenleaf Boulevard to the northwestern corner of the corporate limits of Long Beach, thence along the northern and eastern corporate limits of Long Beach to Artesia Boulevard, thence east on Artesia Boulevard to the Los Angeles-Orange County line.

(b) For the purpose of administration and enforcement of Part II of the Interstate Commerce Act, the zone adjacent to and commercially a part of Los Angeles and contiguous municipalities (except the San Pedro, Wilmington, and Terminal Island districts of Los Angeles and Long Beach, Calif.), in which transportation by motor vehicle in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, will be partially exempt from regulation under section 203(b)(8) of the act, is hereby defined to include the area of a line extending in a generally northwesterly and northerly direction from the intersection of Inglewood Avenue and Redondo Beach Boulevard along the eastern and northern corporate limits of Redondo Beach, Calif., to the eastern corporate limits of Manhattan Beach, Calif., thence along the eastern and northern corporate limits of Manhattan Beach to the Pacific Ocean, thence along the shoreline of the Pacific Ocean to the western corporate limits of Los Angeles at a point east of Topanga Canyon, and thence along the western corporate limits of Los Angeles to a point near Santa Susana Pass; south of a line extending in a generally easterly direction from a point near Santa Susana Pass along the northern corporate limits of Los Angeles to the eastern corporate limits of Burbank, Calif., thence along the eastern corporate limits of Burbank to the northern corporate limits of Glendale, Calif., and thence along the northern corporate limits of Glendale and Pasadena, Calif., to the northeastern corner of Pasadena; west of a line extending in a generally southerly and southwesterly direction from the northeastern corner of Pasadena along the eastern and a portion of the southern corporate limits of Pasadena to the eastern corporate limits of San Marino, Calif., thence along the eastern corporate limits of San Marino and the eastern and a portion of the southern corporate limits of Alhambra, Calif., to the western corporate limits of Monterey Park, Calif., and the western corporate limits of Montebello, Calif., thence along the western corporate limits of Montebello, Calif., to the Rio Hondo, and the Los Angeles River to the northern corporate limits of Long Beach; and north of a line extending in a generally westerly direction from the Los Angeles River along the northern corporate limits of Long Beach and thence along Greenleaf Boulevard to its intersection with an imaginary straight line extending southward from Dwight Avenue, thence north on the imaginary straight line extending southward from Dwight Avenue, and thence northerly along Dwight Avenue to Alondra Boulevard, thence west along Alondra Boulevard, Main, Walnut, and 182d Streets to the eastern corporate limits of Torrance, thence along a portion of the eastern and the northwestern corporate limits of Torrance to Redondo Beach Boulevard, and thence along Redondo Beach Boulevard to Inglewood Avenue.

(c) For the purpose of administration and enforcement of Part II of the Interstate Commerce Act, the zone adjacent to and commercially a part of the San Pedro, Wilmington, and Terminal Island districts of Los Angeles and Long Beach in which transportation by motor vehicle in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond the zone, will be partially exempt from regulation under section 203(b)(8) of the act, is hereby defined to include the area east of a line extending in a generally northerly and northwesterly direction from the Pacific Ocean along the western corporate limits of Los Angeles to 258th Street, thence along 258th Street to the eastern corporate limits of Torrance, and thence along a portion of the eastern, and along the southern and western, corporate limits of Torrance to the northwestern corner of Torrance; south of a line extending in a generally easterly direction from the northwestern corner of Torrance along the northwestern and a portion of the eastern corporate limits of Torrance to 182d Street, thence along 182d, Walnut, Main, and Alondra Boulevard to its intersection with Dwight Avenue, thence southerly along Dwight Avenue and an imaginary straight line extending southward from Dwight Avenue to Greenleaf Boulevard and thence along Greenleaf Boulevard and the northern corporate limits of Long Beach to the northeastern corner of Long Beach; west of the eastern corporate limits of Long Beach; and north of the southern corporate limits of Long Beach and Los Angeles. (49 Stat. 543, as amended; 544, amended 546, as amended, 49 U.S.C. 302, 303, and 304.)

It is further ordered, That this order shall become effective on the 3d day of December 1971, and shall continue in effect until further order of the Commission.

It is further ordered, That the petition, except to the extent granted herein, be, and it is hereby, denied.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission, Review Board No. 3.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-15863 Filed 10-29-71;8:49 am]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

Subpart—Cereal Leaf Beetle

REGULATED AREAS

Under the authority of § 301.84-2 of the Cereal Leaf Beetle Quarantine regulations (7 CFR 301.84-2, as amended), a supplemental regulation designating regulated areas, 7 CFR 301.84-2a, is hereby revised to read as follows:

§ 301.84-2a Regulated areas.

The civil divisions and parts of civil divisions described below are designated as cereal leaf beetle regulated areas within the meaning of the provisions of this subpart:

ILLINOIS

Bond County. The entire county.
Cass County. The entire county.
Champaign County. The entire county.
Christian County. The entire county.
Clark County. The entire county.
Clay County. The entire county.
Clinton County. The entire county.
Coles County. The entire county.
Cook County. The entire county.
Crawford County. The entire county.
Cumberland County. The entire county.
De Witt County. The entire county.
Douglas County. The entire county.
Du Page County. The entire county.
Edgar County. The entire county.
Edwards County. The entire county.
Effingham County. The entire county.
Fayette County. The entire county.
Ford County. The entire county.
Fulton County. The entire county.
Greene County. The entire county.
Grundy County. The entire county.
Henry County. The entire county.
Iroquois County. The entire county.
Jasper County. The entire county.
Jefferson County. The entire county.
Jersey County. The entire county.
Kane County. The entire county.
Kankakee County. The entire county.
Kendall County. The entire county.
La Salle County. The entire county.
Lawrence County. The entire county.
Livingston County. The entire county.
Logan County. The entire county.
Macon County. The entire county.

ILLINOIS—Continued

Macoupin County. The entire county.
Madison County. The entire county.
Marion County. The entire county.
Marshall County. The entire county.
Mason County. The entire county.
McLean County. The entire county.
Menard County. The entire county.
Montgomery County. The entire county.
Morgan County. The entire county.
Moultrie County. The entire county.
Peoria County. The entire county.
Piatt County. The entire county.
Pike County. The entire county.
Putnam County. The entire county.
Richland County. The entire county.
Sangamon County. The entire county.
Scott County. The entire county.
Shelby County. The entire county.
St. Clair County. The entire county.
Tazewell County. The entire county.
Vermilion County. The entire county.
Wabash County. The entire county.
Washington County. The entire county.
Wayne County. The entire county.
Will County. The entire county.
Woodford County. The entire county.

INDIANA

The entire State.

KENTUCKY

Adair County. The entire county.
Allen County. The entire county.
Anderson County. The entire county.
Barren County. The entire county.
Bath County. The entire county.
Bell County. The entire county.
Boone County. The entire county.
Bourbon County. The entire county.
Boyd County. The entire county.
Boyle County. The entire county.
Bracken County. The entire county.
Breathitt County. The entire county.
Breckinridge County. The entire county.
Bullitt County. The entire county.
Butler County. The entire county.
Campbell County. The entire county.
Carroll County. The entire county.
Carter County. The entire county.
Casey County. The entire county.
Clark County. The entire county.
Clay County. The entire county.
Clinton County. The entire county.
Cumberland County. The entire county.
Daviess County. The entire county.
Edmonson County. The entire county.
Elliott County. The entire county.
Estill County. The entire county.
Fayette County. The entire county.
Fleming County. The entire county.
Floyd County. The entire county.
Franklin County. The entire county.
Gallatin County. The entire county.
Garrard County. The entire county.
Grant County. The entire county.
Grayson County. The entire county.
Green County. The entire county.
Greenup County. The entire county.
Hancock County. The entire county.
Hardin County. The entire county.
Harrison County. The entire county.
Hart County. The entire county.
Henderson County. The entire county.
Henry County. The entire county.
Jackson County. The entire county.
Jefferson County. The entire county.
Jessamine County. The entire county.
Johnson County. The entire county.
Kenton County. The entire county.
Knott County. The entire county.
Knox County. The entire county.
Larue County. The entire county.
Laurel County. The entire county.
Lawrence County. The entire county.
Lee County. The entire county.
Leslie County. The entire county.
Lewis County. The entire county.
Lincoln County. The entire county.

KENTUCKY—Continued

McCreary County. The entire county.
Madison County. The entire county.
Magoffin County. The entire county.
Marion County. The entire county.
Martin County. The entire county.
Mason County. The entire county.
Meade County. The entire county.
Menifee County. The entire county.
Mercer County. The entire county.
Metcalfe County. The entire county.
Monroe County. The entire county.
Montgomery County. The entire county.
Morgan County. The entire county.
Nelson County. The entire county.
Nicholas County. The entire county.
Ohio County. The entire county.
Oldham County. The entire county.
Owen County. The entire county.
Owsley County. The entire county.
Pendleton County. The entire county.
Perry County. The entire county.
Powell County. The entire county.
Pulaski County. The entire county.
Robertson County. The entire county.
Rockcastle County. The entire county.
Rowan County. The entire county.
Russell County. The entire county.
Scott County. The entire county.
Shelby County. The entire county.
Spencer County. The entire county.
Taylor County. The entire county.
Trimble County. The entire county.
Washington County. The entire county.
Wayne County. The entire county.
Whitley County. The entire county.
Wolfe County. The entire county.
Woodford County. The entire county.

MARYLAND

Allegany County. The entire county.
Baltimore County. The entire county.
Garrett County The entire county.
Harford County. The entire county.
Washington County. The entire county.

MICHIGAN

Alcona County. The entire county.
Allegan County. The entire county.
Alpena County. The entire county.
Antrim County. The entire county.
Arenac County. The entire county.
Barry County. The entire county.
Bay County. The entire county.
Benzie County. The entire county.
Berrien County. That portion of the county lying outside of the Benton Harbor Wholesale Fruit Market in Benton Harbor. The market is bounded by Territorial Road, Red Arrow Highway, and Crystal Avenue.
Branch County. The entire county.
Calhoun County. The entire county.
Cass County. The entire county.
Charlevoix County. The entire county.
Cheboygan County. The entire county.
Clare County. The entire county.
Clinton County. The entire county.
Crawford County. The entire county.
Eaton County. The entire county.
Emmet County. The entire county.
Genesee County. The entire county.
Gladwin County. The entire county.
Grand Traverse County. The entire county.
Gratiot County. The entire county.
Hillsdale County. The entire county.
Huron County. The entire county.
Ingham County. The entire county.
Ionia County. The entire county.
Iosco County. The entire county.
Isabella County. The entire county.
Jackson County. The entire county.
Kalamazoo County. The entire county.
Kalkaska County. The entire county.
Kent County. The entire county.
Lake County. The entire county.
Lapeer County. The entire county.
Leelanau County. The entire county.
Lenawee County. The entire county.
Livingston County. The entire county.
Macomb County. The entire county.

MICHIGAN—Continued

Manistee County. The entire county.
Mason County. The entire county.
Mecosta County. The entire county.
Midland County. The entire county.
Missaukee County. The entire county.
Monroe County. The entire county.
Montcalm County. The entire county.
Montmorency County. The entire county.
Muskegon County. The entire county.
Newaygo County. The entire county.
Oakland County. The entire county.
Oceana County. The entire county.
Ogemaw County. The entire county.
Osceola County. The entire county.
Oscoda County. The entire county.
Otsego County. The entire county.
Ottawa County. The entire county.
Presque Isle County. The entire county.
Roscommon County. The entire county.
Saginaw County. The entire county.
Sanilac County. The entire county.
Shiawassee County. The entire county.
St. Clair County. The entire county.
St. Joseph County. The entire county.
Tuscola County. The entire county.
Van Buren County. The entire county.
Washtenaw County. The entire county.
Wayne County. The entire county.
Wexford County. The entire county.

NEW YORK

The entire State.

OHIO

The entire State.

PENNSYLVANIA

The entire State.

VIRGINIA

Albemarle County The entire county.
Alleghany County The entire county.
Amherst County The entire county.
Augusta County. The entire county.
Bath County. The entire county.
Bedford County. The entire county.
Bland County. The entire county.
Botetourt County. The entire county.
Campbell County. The entire county.
Craig County. The entire county.
Floyd County. The entire county.
Franklin County. The entire county.
Frederick County. The entire county.
Giles County. The entire county.
Highland County. The entire county.
Montgomery County. The entire county.
Nelson County. The entire county.
Page County. The entire county.
Pulaski County. The entire county.
Roanoke County. The entire county.
Rockbridge County. The entire county.
Rockingham County. The entire county.
Shenandoah County. The entire county.
Wythe County. The entire county.

WEST VIRGINIA

The entire State.

(Secs. 8 and 9, 37 Stat. 318, sec. 106, 71 Stat. 33; 7 U.S.C. 161, 162, 150ee; 29 F.R. 16210, as amended)

This supplemental regulation shall become effective upon publication in the FEDERAL REGISTER (10-30-71) when it shall supersede 7 CFR 301.84-2a which became effective October 1, 1970.

The purpose of this revision is to add to the regulated area all of the following previously nonregulated counties: Bond, Cass, Clay, Clinton, Crawford, Edwards, Fulton, Greene, Henry, Jefferson, Jersey, Kane, La Salle, Lawrence, Logan, Macoupin, Madison, Marion, Marshall, Mason, Morgan, Peoria, Pike, Putnam, Richland, Scott, St. Clair, Tazewell, Wabash, Washington, and Wayne in Illinois;

Allen, Bell, Butler, Cumberland, Daviess, Hancock, Henderson, Knox, McCreary, Monroe, Ohio, and Whitley in Kentucky; Baltimore, Harford, and Washington in Maryland; and Albemarle, Amherst, Bedford, Bland, Botetourt, Campbell, Craig, Floyd, Franklin, Giles, Montgomery, Nelson, Page, Pulaski, Roanoke, Rockbridge, Rockingham, Shenandoah, and Wythe in Virginia. The regulated area was also extended in some previously regulated counties in Illinois.

The Director of the Plant Protection Division has determined that infestations of the cereal leaf beetle exist or are likely to exist in the civil divisions and parts of civil divisions listed above, or that it is necessary to regulate such localities because of their proximity to infestations or their inseparability for quarantine enforcement purposes from infested localities.

The Director has further determined that each of the quarantined States, wherein only portions of the State have been designated as regulated areas, is enforcing a quarantine or regulation with restrictions on the intrastate movement of regulated articles substantially the same as the restrictions on the interstate movement of such articles imposed by the quarantine and regulations in this subpart, and that designation of less than the entire State as a regulated area will otherwise be adequate to prevent the interstate spread of the cereal leaf beetle. Therefore, such civil divisions and parts of civil divisions listed above are designated as cereal leaf beetle regulated areas.

This document imposes restrictions that are necessary in order to prevent the dissemination of the cereal leaf beetle and should be made effective promptly to accomplish its purpose in the public interest. Accordingly, it is found upon good cause, under the administrative procedure provisions of 5 U.S.C. 553, that notice and other public procedure with respect to the foregoing regulation are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Hyattsville, Md., this 26th day of October 1971.

J. F. SPEARS,
Acting Director,
Plant Protection Division.

[FR Doc.71-15827 Filed 10-29-71;8:47 am]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 729—PEANUTS

Subpart—1972 Crop of Peanuts: Acreage Allotments and Marketing Quotas

Basis and purpose. The provisions of §§ 729.100 to 729.104 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.) (referred to as the "act") with respect to the 1972 crop of peanuts. The purposes of §§ 729.100 to 729.104 are to proclaim a national marketing quota, establish the national acreage allotment and apportion such allotment to the States for the 1972 crop of peanuts in accordance with section 358 of the act (7 U.S.C. 1358) and announce the period of a marketing quota referendum for the 1972, 1973, and 1974 crops of peanuts. The findings and determinations made with respect to these matters are based on the latest available statistics of the Federal Government.

Notice that the Secretary was preparing to determine the acreage allotments and marketing quota for the 1972 crop of peanuts was published in accordance with 5 U.S.C. 553 (80 Stat. 383) in the FEDERAL REGISTER of August 21, 1971 (36 F.R. 16517). No submissions were received in response to such notice.

In order that peanut farmers may be notified as soon as possible of farm allotments for the 1972 crop of peanuts and that as much advance notice as possible be given of the period of the referendum, it is essential that §§ 729.100 to 729.104 be made effective as soon as possible. Accordingly, it is hereby found and determined that compliance with the 30-day effective date requirement of 5 U.S.C. 553 is impracticable and contrary to the public interest and §§ 729.100 to 729.104 shall be effective upon filing of this document with the Director, Office of the Federal Register.

Sec.

AUTHORITY: The provisions of this subpart issued under secs. 301, 358, 375, 52 Stat. 38, as amended, 55 Stat. 88, as amended, 52 Stat. 66, as amended, 7 U.S.C. 1301, 1358, 1375.

§ 729.100 Proclamation of national marketing quota for the 1972 crop of peanuts.

(a) *Statutory requirements.* Section 358(a) of the act provides that between July 1 and December 1 of each calendar year the Secretary shall proclaim a national marketing quota for the crop of peanuts to be produced in the next succeeding calendar year. The quota for such crop shall be a quantity of peanuts which will make available for marketing a supply equal to the average quantity of peanuts harvested for nuts during the immediately preceding 5 years, adjusted for current trends and prospective demand conditions. The national marketing quota shall be a quantity of peanuts sufficient to provide a national acreage allotment of not less than 1,610,000 acres.

(b) *Findings and determinations.* The following findings and determinations under section 358(a) of the act are hereby made:

(1) Average quantity of peanuts harvested for nuts during the 5-year period 1966–70, adjusted for current trends and prospective demand conditions—953,000 tons;

(2) Normal yield per acre of peanuts for the United States on the basis of the average yield per acre of peanuts in the 5-year period 1966–70, adjusted for trends in yields and abnormal conditions of production affecting yields—2,030 pounds;

(3) Conversion of the quantity of peanuts determined under (1) of this paragraph into acres on the basis of the normal yield, with an adjustment for under harvesting—1,073,916 acres;

(4) Conversion of the minimum national acreage allotment of 1,610,000 acres into tons of quota on the basis of the normal yield—1,634,150 tons.

(c) *National marketing quota.* The national marketing quota for the 1972 crop of peanuts is hereby proclaimed to be 1,634,150 tons on the basis of the minimum national acreage allotment determined under paragraph (b)(4) of this section since such amount of quota would not be obtained by the smaller amount determined under paragraph (b)(3) of this section.

§ 729.101 National acreage allotment for the 1972 crop of peanuts.

The national acreage allotment for the 1972 crop of peanuts based on the national marketing quota under § 729.100 (c) is hereby established at 1,610,000 acres.

§ 729.102 [Reserved]

§ 729.103 Apportionment to States.

The national acreage allotment for the 1972 crop of peanuts of 1,610,000 acres is hereby apportioned to the States on the basis of their share of the national acreage allotment for 1971 as provided under section 358(c)(1) of the act:

State:	*State acreage allotment*
Alabama	216,748
Arizona	761
Arkansas	4,184
California	930
Florida	55,494
Georgia	529,855
Louisiana	1,945
Mississippi	7,492
Missouri	247
New Mexico	5,787
North Carolina	167,832
Oklahoma	138,348
South Carolina	13,891
Tennessee	3,606
Texas	358,005
Virginia	104,875
Total	1,610,000

§ 729.104 Announcement of period of the marketing quota referendum.

A referendum of the farmers who were engaged in the production of peanuts in the calendar year 1971 will be held during the period December 6–10, 1971, each inclusive, by mail ballot, pursuant to the provisions of section 358 of the act and

the regulations governing the holding of referenda on marketing quotas, as amended (33 F.R. 18345, 34 F.R. 12940, 36 F.R. 12730), to determine whether said farmers are in favor of or opposed to peanut marketing quotas for the crops of peanuts to be produced in the calendar years 1972, 1973, and 1974. If two-thirds or more of the peanut farmers voting in the referendum favor marketing quotas, marketing quotas will be in effect for the 1972, 1973, and 1974 crops of peanuts. If more than one-third of the peanut farmers voting in such referendum oppose marketing quotas, marketing quotas will not be in effect for the 1972 crop of peanuts; however, farm acreage allotments for the 1972 crop of peanuts established pursuant to the provisions of the act will be in effect and compliance with such acreage allotments will be a condition of eligibility for price support at 50 percent of the parity price for peanuts.

Effective date: Date of filing this document with the Director, Office of the Federal Register.

Signed at Washington, D.C. on October 25, 1971.

CLIFFORD M. HARDIN,
Secretary.

Concurred:

CLARENCE D. PALMBY,
Assistant Secretary for International Affairs and Commodity Programs.

[FR Doc.71-15828 Filed 10-29-71;8:47 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 505]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.805 Lemon Regulation 505.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910; 36 F.R. 9061), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 26, 1971.

(b) *Order.* (1) The quantity of lemons grown in California and Arizona which may be handled during the period October 31, through November 6, 1971, is hereby fixed at 180,000 cartons.

(2) As used in this section, "handled", and "carton(s)" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

Dated: October 28, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-15883 Filed 10-29-71;8:50 am]

[Grapefruit Reg. 79]

PART 912—GRAPEFRUIT GROWN IN THE INDIAN RIVER DISTRICT IN FLORIDA

Limitation of Handling

§ 912.379 Grapefruit Regulation 79.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 912, as amended (7 CFR Part 912), regulating the handling of grapefruit grown in the Indian River District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Indian River Grapefruit Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Indian River grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time; are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Indian River grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 28, 1971.

(b) *Order.* (1) The quantity of grapefruit grown in the Indian River District which may be handled during the period November 1, 1971 through November 7, 1971, is hereby fixed at 125,000 standard packed boxes.

(2) As used in this section, "handled," "Indian River District," "grapefruit," and "standard packed box" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 29, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-15991 Filed 10-29-71;11:25 am]

[Grapefruit Reg. 49]

PART 913—GRAPEFRUIT GROWN IN THE INTERIOR DISTRICT IN FLORIDA

Limitation of Handling

§ 913.349 Grapefruit Regulation 49.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 913, as amended (7 CFR Part 913), regulating the handling of grapefruit grown in the Interior District in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Interior Grapefruit Marketing Committee, established under said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Interior grapefruit, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee; and information concerning such provisions and effective time has been disseminated among handlers of such Interior grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on October 27, 1971.

(b) *Order.* (1) The quantity of grapefruit grown in the Interior District which may be handled during the period November 1, 1971, through November 7, 1971, is hereby fixed at 275,000 standard packed boxes.

(2) As used in this section, "handled," "Interior District," "grapefruit," and "standard packed box" have the same meaning as when used in said marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: October 28, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-15943 Filed 10-29-71;8:51 am]

[Grapefruit Reg. 12; Grapefruit Reg. 11 Terminated]

PART 944—FRUITS; IMPORT REGULATIONS

Grapefruit

On October 13, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R.19911) that consideration was being given to a proposed regulation, which would limit the importation of grapefruit into the United States, pursuant to Part 944—Fruits; Import Regulations (7 CFR Part 944).

Said notice allowed interested persons 6 days in which to submit written data, views, or arguments for consideration in connection with the proposed import regulation. None were received.

Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674) provides, in part, that whenever a marketing order issued by the Secretary of Agriculture pursuant to section 8c of the aforesaid act (7 U.S.C. 608c) contains any terms or conditions regulating the grade, size, quality, or maturity of grapefruit produced in the United States, the importation of grapefruit into the United States during the period of time such order is in effect shall be prohibited unless such commodity complies with the grade, size, quality, and maturity provisions of such order or comparable restrictions promulgated under said section 8e. This import regulation prescribes a grade and size regulation which is the same as the domestic grade and size regulation for grapefruit, pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905) regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, which became effective October 18, 1971.

It is hereby found that good cause exists for not postponing the effective time of the regulatory provisions of this regulation, as hereinafter set forth, beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such requirements mandatory; (b) such provisions contain grade and size requirements identical to the domestic requirements for grapefruit grown in Florida under Grapefruit Regulation 71 (§ 905.535) which became effective October 18, 1971; (c) notice that such action was being considered was published in the October 13, 1971, issue of the FEDERAL REGISTER (36 F.R. 19911), and no objection to this regulation was received; (d) except for the later effective date of November 8, 1971, the provisions of this import regulation are the same as those contained in said notice; (e) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time hereof; (f) notice hereof in excess of three days, the minimum prescribed by said section 8e, is given with respect to this import regulation by prescribing an effective date of November 8, 1971; and (g) such notice is hereby determined, under the circumstances, to be reasonable.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, and other available information, it is hereby found that the grade and size restrictions in effect pursuant to the said amended marketing agreement and order shall apply to grapefruit to be imported.

§ 944.108 Grapefruit Regulation 12.

(a) On and after November 8, 1971, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 1 and be of a size not smaller than $3\frac{15}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Grapefruit; and

(2) Seedless grapefruit shall grade at least Improved No. 2 and be of a size not smaller than $3\frac{9}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Grapefruit ("Improved No. 2" shall mean grapefruit grading at least U.S. No. 2 and also meeting the requirements of the U.S. No. 1 grade as to shape (form) and color).

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of grapefruit that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of grapefruit, is required on all imports

of grapefruit. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of grapefruit should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the grapefruit will be imported:

Ports	Office	Advance notice
All Texas points..	L. M. Denbo, 506 South Nebraska St., San Juan, TX 78589 (Phone—512-787-4091)	1 day.
	or	
	A. D. Mitchell, Room 516, U.S. Courthouse, El Paso, Tex. 79901, (Phone—915-533-9351, Ext. 5340).	Do.
All New York points.	Edward J. Beller, Room 28A Hunts Point Market, Bronx, N.Y. 10474 (Phone—212-991-7663 and 7669)	Do.
	or	
	Charles D Renick, 176 Niagara Frontier Food Terminal, Room 8, Buffalo, N.Y. 14206 (Phone—716-824-1585).	Do.
All Arizona points.	B. O. Morgan, 225 Terrace Ave., Nogales, Ariz. 85621 (Phone—602-287-2902).	Do.
All Florida points.	Lloyd W. Boney, 1350 Northwest 12th Ave., Room 538, Miami, FL 33136 (Phone—305-371-2517).	Do.
	or	
	Hubert S. Flynt, 775 Warner Lane, Orlando, FL 32312 (Phone—305-841-2141).	Do.
	or	
	Kenneth C. McCourt, Unit 46, 3335 Bright Ave., Jacksonville, FL 32205 (Phone—904-354-5983).	Do.
All California points.	Daniel P. Thompson, 784 South Central Ave., Room 294, Los Angeles, CA 90012 (Phone—213-622-8756).	3 days.
All Louisiana points.	Pascal J. Lamarca, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, LA 70113 (Phone—504-527-6741 and 6742).	1 day.
All other points..	D. S. Matheson, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250 (Phone—202-388-5870).	3 days.

(c) Inspection certificates shall cover only the quantity of grapefruit that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (Part 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificates issued with respect to any grapefruit to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks on the container;

(6) The railroad car initials and number, the truck and the trailer license number, the name of the vessel, or other identification of the shipment; and

(7) The following statement if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(f) Notwithstanding any other provision of this regulation, any importation of grapefruit which, in the aggregate, does not exceed five standard nailed boxes, or equivalent quantity, may be imported without regard to the restrictions specified herein.

(g) It is hereby determined that imports of grapefruit, during the effective time of this regulation, are in most direct competition with grapefruit grown in the State of Florida. The requirements set forth in this section are the same as those being made effective for grapefruit grown in Florida.

(h) No provisions of this section shall supersede the restrictions or prohibitions on grapefruit under the Plant Quarantine Act of 1912.

(i) Nothing contained in this regulation shall be deemed to preclude any importer from reconditioning prior to importation any shipment of grapefruit for the purpose of making it eligible for importation.

(j) The terms used herein relating to grade, diameter, standard pack, and standard box shall have the same meaning as when used in the U.S. Standards for Florida Grapefruit (§§ 51.750-51.783 of this title). Importation means release from custody of the U.S. Bureau of Customs.

§ 944.107 [Terminated]

Grapefruit Regulation 11 (§ 944.107, 35 F.R. 14537, 36 F.R. 5964, 7597, 9236) is hereby terminated at the effective time hereof.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: October 26, 1971, to become effective November 8, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-15829 Filed 10-29-71;8:47 am]

PART 989—RAISINS PRODUCED FROM GRAPES GROWN IN CALIFORNIA

Finding and Approval Relative to Retention and Disposition of Reserve Tonnage Raisins Carried Over From 1970-71 Crop Year

The finding and approval hereinafter set forth are pursuant to § 989.67 of the marketing agreement, as amended, and Order No. 989, as amended (7 CFR Part 989), regulating the handling of raisins produced from grapes grown in California, referred to hereinafter collectively as the "order". This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "act".

Section 989.67(a) provides, in part, that any reserve tonnage raisins of a crop year held unsold by the Raisin Administrative Committee on November 1 of the subsequent crop year shall be physically disposed of promptly in an available outlet not competitive with normal market channels for free tonnage raisins or sales of new crop reserve tonnage raisins in export. Said section also provides, however, that whenever the Secretary approves of a finding by the Committee or finds, on the basis of information otherwise available to him, that because of crop failure, retention of reserve tonnage raisins carried over is warranted, the foregoing requirements as to disposal shall not apply and such carried over raisins may be disposed of in any outlet recommended by the Committee and approved by the Secretary.

The Raisin Administrative Committee's estimate of the 1971 production of natural Thompson Seedless raisins is 180,000 tons. Such production is regarded as a crop failure because it is only about 85 percent of the 1966-70 average annual production of this varietal type and is substantially less than the estimated 1971-72 commercial domestic and export requirements for such raisins for human consumption.

On the basis of the desirable free tonnage for such raisins of 131,250 tons established (36 F.R. 20150) for sale in free tonnage markets and the Committee estimate of the 1971 production of standard raisins of 180,000 tons, only about 48,750 tons of standard 1971 crop raisins would be available as reserve tonnage for export sale by handlers to eligible countries. However, export sales of natural Thompson Seedless raisins to these countries have averaged about 62,200 tons annually for the past 3 crop years. The Committee has estimated that export sales of such raisins during the 1971-72 crop year will approximate 66,000 tons.

The Committee reported that about 31,430 tons of 1970-71 unsold reserve tonnage raisins were carried over into the 1971-72 crop year on September 1, 1971. As of October 4, this quantity has been reduced to 19,650 tons and will be further

reduced by export sales before November 1, 1971. Addition of the 31,430 tons of raisins to a 1971–72 reserve tonnage expected to be 48,750 tons equals 80,180 tons. This would provide sufficient raisins to supply export outlets during the 1971–72 crop year and provide a carryout on August 31, 1972, to permit uninterrupted export movement of raisins during the early part of the 1972–73 crop year until substantial quantities of 1972 crop raisins are produced and become available for shipment.

Retention of the unsold 1970–71 reserve tonnage raisins for disposition in the outlets specified in § 989.67(b) will permit continued orderly marketing of raisins in export, the principal outlet for reserve tonnage raisins. Increased returns to raisin producers will result because an alternative to export would be to dispose of such raisins for such uses as distillation or livestock feed at lower net returns.

Accordingly, pursuant to § 989.67(a), and based on the unanimous recommendation of the Raisin Administrative Committee and other information, it is hereby found that: (a) The 1971 production of natural Thompson Seedless raisins is such as to be a crop failure; (b) retention of the reserve tonnage natural Thompson Seedless raisins of the 1970–71 pool which are held unsold by the Committee on November 1, 1971, for disposition as reserve tonnage in export and other eligible outlets is warranted; and (c) such disposition of the reserve tonnage raisins will tend to effectuate the declared policy of the act. Accordingly, disposition of such reserve tonnage in the outlets specified in § 989.67(b) in accordance with the applicable provisions of this part, is approved.

It is hereby further found, that it is impracticable, unnecessary, and contrary to the public interest to give public notice and engage in public rule making procedure, and that good cause exists for not postponing the effective time of this action until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that: (1) This action, unanimously recommended by the Raisin Administrative Committee, must become effective before November 1, 1971, or otherwise the Committee is required by program provisions to dispose of 1970–71 reserve tonnage raisins held uncommitted on November 1, 1971, for such uses as distillation or livestock feed at low net returns to producers even though the opportunity exists for selling such tonnage for export at higher net returns to producers; (2) having this action become effective promptly will permit a continuing availability and an orderly movement of raisins in export; and (3) this action constitutes a relaxation of restrictions on the disposal of reserve tonnage raisins.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated October 27, 1971, to become effective upon publication in the FEDERAL REGISTER (10–30–71).

ARTHUR E. BROWNE,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc. 71-15862 Filed 10-29-71;8:50 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter I—Office of Emergency Preparedness

[Economic Stabilization Reg. No. 1, Amdt. 5]

ES REG. 1—STABILIZATION REGULATIONS FOR PRICES, RENTS, WAGES, AND SALARIES

Extension of Effective Date of the Regulation

SECTION 1. The purpose of the amendment contained in section 2 is to extend the effective date of OEP Economic Stabilization Regulation No. 1, hereinafter referred to as the regulation, beyond November 13, 1971.

SEC. 2. The paragraph following section 11 of the regulation is hereby amended to read as follows:

Effective date. This regulation shall continue in full force and effect unless and until altered, amended, or revoked by the Cost of Living Council or by such competent authority as the Council may specify.

Dated: October 29, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.71-16000 Filed 10-29-71;12:54 pm]

[OEP Economic Stabilization Reg. 1, Circular No. 24]

SUPPLEMENTARY GUIDANCE FOR APPLICATION

Economic Stabilization Circular No. 24

This circular is designed for general information only. The statements herein are intended solely as general guides drawn from OEP Economic Stabilization Regulation No. 1 and from specific determinations and policy statements by the Cost of Living Council and do not constitute legal rulings applicable to cases which do not conform to the situations clearly intended to be covered by such guides.

NOTE: Provisions of this and subsequent circulars are subject to clarification, revision, or revocation.

This 24th circular covers determinations and policy statements by the Council through October 28, 1971.

APPENDIX I

ECONOMIC STABILIZATION CIRCULAR NO. 24

100. *Purpose.* (1) On August 15, 1971, President Nixon issued Executive Order No. 11615, as amended, providing for stabilization of prices, rents, wages, and salaries and establishing the Cost of Living Council, a Federal agency. The order delegated to the Council all of the powers conferred on the President by the Economic Stabilization Act of 1970, as amended. The effective date of the order was 12:01 a.m., August 16, 1971.

(2) By its Order No. 1, the Council delegated to the Director of the Office of Emergency Preparedness authority to administer the program for the stabilization of prices, rents, wages, and salaries as directed by section 1 of Executive Order No. 11615, as amended.

(3) Executive Order No. 11627 was issued on October 15, 1971, to further implement the President's stabilization program. The order superseded Executive Order No. 11615 of August 15, 1971, but provided in section 13 that all orders, regulations, circulars, or other directives issued and all other actions taken pursuant to Executive Order No. 11615, as amended, are hereby confirmed and ratified, and shall remain in full force and effect, as if issued under this order, unless and until altered, amended, or revoked by the Council or by such competent authority as the Council may specify.

(4) The purpose of this circular, the 24th in a series to be issued, is to furnish further guidance to Federal officials and the public in order to promote the program.

200. *Authority.* (1) Relevant legal authority for the program includes the following:

The Constitution.
Economic Stabilization Act of 1970, Public Law 91-379, 84 Stat. 799; Public Law 92-15, 85 Stat. 38.
Executive Order No. 11615, as amended, 36 F.R. 15127, August 17, 1971.
Cost of Living Council Order No. 1, 36 F.R. 16215, August 20, 1971.
OEP Economic Stabilization Regulation No. 1, as amended, 36 F.R. 16515, August 21, 1971.
Executive Order No. 11627, 36 F.R. 20139, October 16, 1971.

(2) Because of the need for prompt determinations, notice of proposed rule making and public procedure thereon have been found to be impracticable and contrary to the public interest.

(3) The rules and guidelines established by regulation, order, directive, or circular provisions for stablization of wages, prices and rents will not expire automatically on November 13. Changes

will occur only through explicit action by the Pay Board, the Price Commission, the Cost of Living Council or other competent authority.

Executive Order No. 11627 of October 15, 1971 superseded Executive Order No. 11615 of August 15, 1971. The new Executive order contains no expiration date, and section 1(a) states, in part:

Pending action under this order, and except as otherwise provided in section 202 of the Economic Stabilization Act of 1970, as amended, prices, rents, wages, and salaries are stabilized effective as of August 16, 1971, at levels not greater than the highest of those pertaining to a substantial volume of actual transactions by each individual business, firm, or other entity of any kind during the 30-day period ending August 14, 1971, for like or similar commodities or services. If no transactions occurred in that period, the ceiling will be the highest price, rent, salary, or wage in the nearest preceding 30-day period in which transactions did occur. No person shall charge, assess, or receive, directly or indirectly, in any transaction, prices or rents in any form higher than those permitted hereunder, and no person shall, directly or indirectly, pay or agree to pay, in any transaction, wages or salaries in any form, or to use any means to obtain payment of wages and salaries in any form, higher than those permitted hereunder, whether by retroactive increase or otherwise.

Economic Stabilization Regulation No. 1 and all outstanding circulars are being amended to reflect the foregoing.

300. *General guidelines.* (1) The guidance provided in this circular is in the nature of additions to or clarifications of previous determinations and policy statements by the Cost of Living Council covered in previous OEP Economic Stabilization Circulars.

(2) The numbering system used in this circular corresponds to that used in OEP Economic Stabilization Circulars Nos. 101 and 102.

1001. *Effective date.* (1) This circular shall continue in full force and effect unless and until altered, amended, or revoked by the Cost of Living Council or by such competent authority as the Council may specify.

(2) Section 1001 of OEP Economic Stabilization Circulars Nos. 101, 102, 21, 22, and 23 is amended, as of their dates of issue, to read as follows:

"1001. *Effective date.* This circular shall continue in full force and effect unless and until altered, amended, or revoked by the Cost of Living Council or by such competent authority as the Council may specify."

Dated: October 29, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.71-16001 Filed 10-29-71;12:54 pm]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 981]

[Docket No. AO 214-A4]

ALMONDS GROWN IN CALIFORNIA

Recommended Decision and Opportunity To File Written Exceptions Regarding Proposed Amendment of Marketing Agreement and Order

Pursuant to the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk, U.S. Department of Agriculture, of this recommended decision with respect to the proposed amendment of the marketing agreement, as amended, and Order No. 981, as amended (7 CFR Part 981), regulating the handling of almonds grown in California (hereinafter collectively referred to as the "order"). The order is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), (hereinafter referred to as the "act") and any amendment which may result from this proceeding also will be effective pursuant to the act.

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the close of business on the 30th day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing on the record of which the proposed amendment is formulated was held in Sacramento, Calif., on March 17-23, 1971. Notice of the hearing was published in the FEDERAL REGISTER on March 4, 1971 (36 F.R. 4295). The proposals in the notice of hearing were submitted by the California Almond Growers Exchange and by the Almond Growers Council.

Material issues. The material issues presented on the record of the hearing involve amendatory actions relating to:

(1) Deleting separate references to "continental" United States and to "Alaska" and "Hawaii";

(2) Establishing an "Almond Advisory Committee" and prescribing the qualifications, expenses, powers, duties, and operational procedures of such Committee;

(3) Revising Control Board voting requirements on recommendations for research and development projects, production research, and marketing promotion including paid advertising;

(4) Authorizing production research and marketing promotion including paid advertising and providing for crediting a handler's assessment for certain forms of advertising and promotion expenses and defining "paid media advertising expenditures";

(5) Permitting a quorum of three, instead of six members, of the Control Board to make emergency changes in the terms of export sales of reserve almonds;

(6) Requiring recordkeeping and reporting requirements applicable to paid advertising expenditures and maintaining the confidentiality of such records and reports;

(7) Authorizing and providing for an operating reserve;

(8) Clarifying that assessments can be levied to finance an operating reserve and continuing levying of assessments irrespective of whether particular order provisions are suspended or inoperative;

(9) Prescribing a maximum assessment rate and allotting a percentage of that assessment for market promotion including paid advertising activities; and

(10) Making such changes in the order as are necessary to bring the entire order as proposed to be amended, into conformity with the amendatory action resulting from the hearing.

Findings and conclusions. The findings and conclusions on the aforementioned material issues (1) to (10), inclusive, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

(1) The present order became effective in 1950. Since that time both Alaska and Hawaii have been granted statehood, and are now part of the United States. Hence, there is no further need to refer separately to the continental United States, Alaska and Hawaii. Accordingly, § 981.16 of the order should be revised by deleting the words "continental," "Alaska" and "Hawaii." Also, for the same reason, §981.21 should be revised by deleting the word "continental" and substituting therefor, the word "the" and deleting the words "Alaska" and "Hawaii." Thus, reference to the United States in the marketing order, should be construed to mean all 50 States, including the States of Alaska and Hawaii.

(2) The notice of hearing contained proposals for establishing an Almond Advisory Committee and prescribing the qualifications, expenses, powers, duties, and operational procedures of such Committee. The purpose and intent of these proposals was to establish an advisory group of promotion and advertising experts to advise the Control Board on matters concerning: (a) Production research; (b) marketing research and development projects; (c) marketing promotion including paid advertising; and (d) crediting the pro rata expense assessment obligations of handlers with such portion of their direct expenditures for marketing promotion including paid advertising as may be authorized.

It was testified that a new definition "Almond Advisory Committee," hereinafter referred to as the Committee, should be included in the order and the definition should mean the Almond Advisory Committee as recommended to be established pursuant to the proposal. The definition would be in keeping with the format of the existing order and would provide a definition of the proposed Committee similar to § 981.22 which defines "Control Board."

The proponents proposed provisions pertaining to qualifications, expenses, powers, and duties which would be applicable to the Committee. These proposals are all similar to existing provisions applicable to the Control Board.

It was testified that all decisions and recommendations of the Committee should be by a majority vote of the members present and the presence of four members, including at least three handler members, should be necessary to constitute a quorum. The purpose of these voting requirements would be to insure that no group of handlers would control the Committee vote. The matter of voting is discussed in greater detail in material issue three.

The composition of the proposed Committee would include the five largest handlers, or employees thereof, one grower member who markets his almonds through a cooperative handler, and one grower member who markets his almonds through other than a cooperative handler, resulting in a seven-member Committee. The purpose of proposing a majority of handler representatives of the Committee is to utilize the individuals most involved with marketing promotion, development, and paid advertising. After further discussion, the proponents revised their proposal concerning the composition of the handler representation on the proposed Committee. They testified that the five handler members on such Committee should include four positions to be occupied by the four largest handlers or employees thereof (based on the tonnage handled by such handlers during the previous crop year) and the fifth position would be a handler or employee thereof who would represent all other handlers. This modification was intended to provide all handlers with representation on the proposed Committee. Each member of the Committee would have an alternate with the same qualifications as the member. All members and

alternate members would be nominated by their respective handler group and would be appointed by the Board. The term of office for Committee members and alternates would be the same length of time as that of the Control Board, that is, for 1 year commencing June 10. Membership on the Control Board would not be a requirement to be members or alternates on the Committee.

Other proponents testified that a seven-member advisory subcommittee of the Control Board should be established and contain the following membership: Two handler members nominated by cooperative handlers; two handler members nominated by independent handlers; one grower member representing growers who market through cooperative handlers; one grower member representing growers who market through independent handlers; and a seventh member who should be from outside the almond industry and who might serve as chairman. For subcommittee members, there would be alternates nominated and selected in the same manner as the members. Affiliation with the Control Board would not be required. The purpose and function of this subcommittee would be to advise the Control Board with respect to marketing research and development, and marketing promotion including paid advertising.

This proponent group agreed that such a subcommittee should and would act only in an advisory capacity to the Control Board. That is, it should only advise and recommend on matters relating to research, development, promotion, and advertising activities. Hence, the Control Board, as the designated administrative agency, could accept or reject any recommendations made by the proposed subcommittee.

Evidence offered in opposition to the proposed Committee indicated that it is unnecessary to establish such a Committee by amendment of the order since the Control Board currently has authority to appoint advisory subcommittees under provisions of the "Rules and Regulations Governing the Conduct of Business of the Almond Control Board" commonly known as Control Board bylaws. Currently, the Control Board may appoint, from its members or alternate members, such subcommittees as it may deem necessary for the expeditious handling of the affairs of the Board and assign to such subcommittees such ministerial duties as the Board may deem proper. The record further indicated that the Board could establish a subcommittee consisting of persons not members or alternate members of the Control Board by minor modification of the bylaws.

The proposal to establish an Almond Advisory Committee or a standing subcommittee by formal amendment of the order would not improve program operations. Furthermore, the order already contains authority needed to implement such actions if and when the Control Board decides to do so. Hence, to avoid unnecessary duplication of functions, the proposals to establish and define an Almond Advisory Committee or a subcommittee and all proposals applicable to prescribing the qualifications, expenses, powers, duties, and operational procedures of such Committee are not recommended for adoption.

(3) The notice of hearing contained a proposal to add a new paragraph (e) to § 981.40 *Procedure.* The paragraph would require that eight affirmative votes of the Control Board are necessary for adoption whenever voting on recommendations pertaining to production research, marketing research and development projects, and marketing promotion including paid advertising and crediting of certain eligible paid advertising expenditures of handlers.

The proponents of the modified voting proposal contended that no such recommendations of the Board should be adopted unless the eight affirmative votes include at least one handler member representing other than cooperative handlers, plus one representing cooperative handlers.

This proposal would only be applicable to recommendations made pursuant to § 981.41 *Research and Development.* All other recommendations of the Board would continue to be governed by existing voting requirements as contained in the present order. Currently, the order provides that all recommendations of the Board be approved by a majority vote with six members necessary to constitute a quorum, except when establishing volume control, for which six affirmative votes are required. Cooperative handlers and their growers are currently represented by three handler members and three grower members on the Board (60 percent of the total membership). The balance of the Board is made up of two handler members and two grower members representing other than cooperative handlers and growers (40 percent of the total membership).

The proponents testified that such distinction in voting requirements should be made since handlers will be the group most concerned with advertising and crediting. Furthermore, that since such activities would involve considerable amounts of handlers' assessments, handlers should have a decisive voice concerning these matters.

Considerable evidence was received concerning the composition and voting requirements of various Federal and State marketing orders. In most of these marketing orders, where the industry was dominated by a major handler, the interests of minority groups were recognized. The proponents testified that in view of the aforementioned, the proposed revision concerning voting on research and development matters should be made since it is limited to one specified area of order operations. The proponents testified that the requirement of eight affirmative votes would assure broad industry agreement and would be consistent with experience under other marketing orders.

Opposition testimony to the proposal referred to previous proposals to amend voting requirements and composition of the Control Board which had been denied. It should be noted that the basis for all prior proposals involved a change in voting by the Control Board on all matters, while the instant proposal would only apply to activities pursuant to § 981.41.

The evidence of record reveals that the proposed amendment concerning advertising and crediting of handler expenses is new to the almond order and is intended to provide an additional method of stimulating almond consumption. In order to achieve the maximum effect from any advertising program, project, or activity pursuant to § 981.41, considerable industry agreement should exist before any of these are undertaken. More restrictive voting requirements applicable to recommendations or actions pursuant to § 981.41 would provide an incentive for the Board to resolve problem areas so as to achieve a greater degree of agreement among the different segments of the industry.

However, considering the existing industry structure and representation on the Control Board, the proposed requirement for eight affirmative votes including specified handler groups is not necessary. To require a certain number of handler votes would restrict producers participation in program operations, which has as its purpose, to increase producer returns. A requirement for seven affirmative votes for Board adoption of such recommendations or actions, without additional specific voting requirements, would be consistent with the evidence of record and would achieve the desired purpose.

The proposed more restrictive voting requirement would only apply to activities pursuant to § 981.41 *Research and Development.* This would include voting on those portions of the budget, the assessment rate and any administrative rules and regulations pertaining to activities pursuant to § 981.41. The more restrictive voting would not affect other regulatory provisions of the order. An impasse with regard to any issues arising pursuant to § 981.41 would and should not affect any of the other order provisions. Hence the proposed paragraph § 981.40(e) as set forth hereinafter under the recommended amendment of the order, is recommended for adoption.

(4) A recent amendment of the act authorized production research under marketing orders and both proponent groups favored including such authority in the order. This authority should be included in the marketing order so as to enable the Control Board to participate in projects that might result in more efficient production of almonds. Examples of production research projects which might be undertaken could pertain to pest and disease resistance of trees, the development of varieties more acceptable to the industry's customers, the insuring of adequate quality control practices on the farm. Accordingly, it is concluded that such authority should be included in § 981.41(a) of the order.

Both proponent groups testified that certain generic advertising and marketing promotion activities should be undertaken by the Control Board and that such activities should be without reference to any private brand, private trademark or private trade name. The Control Board should be permitted to develop a generic symbol or trade name that would identify California almonds without reference to any private brand, trade name, or trademark. Both groups also agreed that no marketing promotion or paid advertising engaged in by the Board should disparage the quality, use, value, or sale of any other agricultural commodity or products thereof and no false or unwarranted claims should be made. The purpose of marketing promotion and advertising activities is to enhance returns to producers and no activity should be engaged in without this objective. In order to evaluate results against this objective, the Board upon the conclusion of each activity, but at least annually, should summarize and report the results of such activity to its members and to the Secretary. Since generic advertising or marketing promotion activities by the Board would tend to increase almond consumption and hence enhance producer returns, authority for marketing promotion as set forth in proposed § 981.41(a) is recommended for adoption.

Many Federal marketing orders contain research and development provisions which include authority for generic advertising merely repeat the language of the enabling legislation. One group of proponents testified that general authorization and language should be adopted in the order and any guidelines or criteria should be established pursuant to administrative rules and regulations approved by the Secretary. Other proponents testified that definitive but not overly restrictive guidelines should be included in the order to provide general direction for the Control Board. Thus, there was agreement that guidelines were necessary but not complete agreement on where they should be included, that is, in the order or in the administrative rules and regulations.

Since the proposed amendment concerning paid advertising is new, it is not possible to foresee all problems that may be encountered, or activities that may be engaged in. Thus, setting forth some guidelines in the order and providing for other operational guidelines and procedures to be established in the rules and regulations as more experience is gained would be consistent with the evidence of record and with the objective of the act. Accordingly, the proposed paragraph as set forth in § 981.41(d) is recommended for adoption.

The act also provides for authorizing, for almonds, paid advertising and the authority to provide for crediting the pro rata expense assessment obligation of a handler with such portion of his direct expenditures for marketing promotion including paid advertising as may be authorized by the order.

It was testified that the order should be amended to provide for such crediting and that terms and conditions applicable to crediting handlers for direct expenditures for marketing promotion including paid advertising should be set forth in the administrative rules and regulations. The major responsibility for applications and justification of such credit should rest with the individual handler. It should be understood that any form of crediting that is developed pursuant to administrative rules and regulations should not be applicable to production research or marketing research and development projects. The act only permits the development of a method for crediting direct expenditures for marketing promotion including paid advertising. Credits should be allowed for both brand and generic advertising, provided that such activities conform with the prescribed rules and regulations.

It should be noted that under the proposed crediting system, a handler should not be permitted to qualify for excess credits. That is, the amount of credit a handler could claim should be limited to the amount of his own total assessment obligation designated for marketing promotion, including paid advertising. Consider the example in which the assessment obligation for a handler is $200 and $100 of this is earmarked for marketing promotion including paid advertising. If such handler spends $110 for creditable advertising, he should only be allowed credit up to the amount of his assessment attributable to marketing promotion including paid advertising, or in the example, $100. The remaining $10 should not be carried over into subsequent crop years nor should such excess amount be transferable to another handler. If a handler claims credit for less than that portion of his assessment obligation attributable to marketing promotion including paid advertising, the balance of such obligation should be due and payable to the Board. Such funds would become part of the Board's operating reserve. Such a reserve is discussed as material issue No. 8.

It was testified that initially, credit should only be allowed for direct paid media advertising time or space. Such media should include advertising in newspapers, magazines, radio, television, transit and outdoor media as well as any other media recommended by the Board and approved by the Secretary. Media to be used should be recognized by accepted advertising measuring services. The allowable expenses should include only the direct cost of paid media advertising and the advertising fee or standard agency commission, if an agency is used. The record further indicated that 15 percent is the standard agency commission for placement of advertising time or space. Hence, the actual standard agency commission, not to exceed 15 percent, should be included as an eligible expenditure.

No other expenses incurred should be creditable. This would eliminate expenses for such items as art work, travel, production cost and other expenses not directly connected with paid space and time, costs relating to pretesting of advertising, test marketing, directory advertising, point of sale materials and premiums, and trade promotion allowances. Accordingly, it would simplify Board operations by permitting credit only for the cost of the time or space and the actual agency commission not to exceed 15 percent.

Considerable testimony concerning a form of advertising known as "tie-in" or "joint" advertising was received. This form of advertising involves cooperation with another advertiser of a complementary product. The method determining each participant's cost is usually subject to an agreement between the parties involved. In these instances, credit, if eligible, should only be for the portion of the cost attributable to the almond handler. The advantage of this form of advertising is in sharing expenses, since the same advertisements simultaneously promote the products involved. Both proponent groups favored some form of this type of advertising, which should be helpful in promoting the sales and consumption of almonds. Accordingly, it is recommended that crediting of expenses for "tie-in" and "joint" advertising be authorized, subject to rules and regulations established by the Control Board, with the approval of the Secretary. The Control Board should consider such items as the number of products promoted in the ad, if the ad is designed to assist, improve or promote the consumption of almonds, and any other criteria necessary to achieve the objectives of the order. Also, it should be understood that, in basic content, the ads should be of a positive or favorable nature and should not disparage products of competing handlers nor any other agricultural commodity.

There was testimony both pro and con concerning whether credit should be permitted for marketing promotion including paid advertising in foreign markets. While the testimony indicated that the industry probably would allow only credit for domestic projects in the initial years, the order should not prohibit or restrict crediting for activities in foreign countries. Since approximately 50 percent of the domestic production is exported, the industry may at some future time desire to permit crediting of foreign advertising expenses. Hence, the Control Board should be permitted to establish rules and regulations applicable to such activities in foreign countries when and if they should so desire. Also, the Control Board should be permitted to engage in generic advertising abroad if such is deemed desirable.

Although most of the evidence concerned itself with paid media advertising which should be creditable, the act also provides for crediting applicable to marketing promotion activities. While it was agreed by all witnesses that it is extremely difficult to distinguish between paid media advertising and marketing promotion activities, certain activities were referred to which should be considered as marketing promotion. These

include point of sale material, public relation work, trade fairs, food page ads and supplements. At some future time, the Board may want to consider crediting handler expenses for such marketing promotion activities. However, before any handler receives credit for such activities, the Control Board, with the approval of the Secretary, should issue appropriate rules and regulations defining areas of creditable marketing promotion activity.

The scope and nature of paid media advertising applicable to almond products for which a handler should receive credit was the subject of considerable discussion. The central point was whether credit should be limited to items which contain only almonds as defined in §§ 981.4, 981.5, and 981.6, or whether almond products as defined in § 981.15 should also be included.

The evidence of record indicates that crediting of advertising expenses for almond products may be desired by the industry in the future at which time adequate guidelines for administration of such crediting should be established.

The proponents advocating crediting of advertising expenses for almond products testified that increasing consumption of almond products by promotion and advertising would, in turn, increase consumption of almonds. The record indicates that there are numerous almond products containing varying percentages of almonds and to give equal credit to an almond product containing 10 percent almonds and one containing 90 percent almonds would be inequitable. Hence, prior to any handler receiving credit for advertising almond products, appropriate rules and regulations would be necessary to enable the Board to determine the percentage of almonds contained in the product and the amount of credit such product should receive. Also, in product advertising consideration should be given as to whether such advertising would result in a net increase in the demand for almonds. Certain product advertising could result in an increase of sales for the advertised product, at the expense of a competing almond product, with the result that there would be little or no net increase in almond consumption. Accordingly, it is recommended that crediting of advertising expenses for almond products should be authorized, but that prior to any such credit being granted to any handler, appropriate rules and regulations for determining the product to be eligible and for the administration of such crediting should be recommended by the Board and approved by the Secretary.

The amendment of the act applicable to paid advertising and crediting under the marketing order provides for crediting all or any portion of a handler's direct expenditures for marketing promotion including paid advertising. Several large multiproduct corporations are currently involved in growing and handling almonds. It was proposed that if the parent corporation paid for advertising applicable to almonds, and such advertising was an approved expenditure, the subsidiary or handler, should be entitled to the credit. However, the statutory language authorizes credit only to a handler as defined in § 981.13 of the order. To be credited under the act, handler advertising expenses paid by a parent corporation should be billed to the handler by such corporation. Consequently, if such handler could show that such advertising expense was billed to him, and that it otherwise meets the required criteria as specified in the rules and regulations, such expense would be eligible. If the handler cannot meet this requirement, he should not receive credit. In view of the foregoing, paragraph (c) of § 981.41 as hereinafter set forth is proposed to be adopted.

It was proposed that a new section be established for the purpose of defining "paid media advertising expenditures." This proposed definition would contain general language which would outline authorized areas of activity eligible for crediting. The intent of the proposal is accomplished by the recommended language applicable to research and development which appears in proposed amended § 981.41(c). It would serve no useful purpose to add another repetitive definition of this term to the order. Since this definition is not recommended for adoption, a proposal to renumber certain order provisions to accommodate the aforementioned proposed definition is not necessary and also is not recommended for adoption.

(5) The notice of hearing contained a proposal to permit a quorum of three, instead of six members, of the Board to make emergency changes in the terms of export sales of reserve almonds. However, no testimony was offered at the hearing in support of the proposal. Therefore, the proposal is not recommended for adoption.

(6) The hearing notice included proposals to add new records and verification requirements, reports of paid advertising expenditures, other reports, and to provide that these reports shall be confidential. These proposed requirements would be applicable to marketing promotion including paid advertising activities. The present order contains several sections with respect to records and reports on handler and Board operations under the order and these would apply equally to advertising and promotion activities recommended for inclusion. To make clear that records applicable to activities pursuant to § 981.41 may be required, § 981.70 should be revised by inserting in the first sentence after the words "reserve disposition," the words "advertising and promotion activities."

Section 981.74 *Other reports* now provides adequate authority for the Board, with the approval of the Secretary, to require handlers to furnish to the Board any information necessary for its administration of the order. This clearly includes information with respect to operations pursuant to § 981.41 as herein recommended for adoption. Therefore, no modification of the language of § 981.74 is necessary.

(7) The hearing notice contained a proposal to provide for establishment of an operating reserve in connection with the proposals applicable to marketing research and promotion including paid advertising. The purpose of the operating reserve would be to meet future operating expenses which may or may not be anticipated. In view of possible research and advertising commitments, an adequate monetary reserve fund should be established so that long-range planning programs on these items could be undertaken. This is a common provision in other marketing orders and a sound business practice.

While there should be only one operating reserve, the evidence of record indicates that such reserve should be accounted for and used according to distinct purposes. A portion of the reserve could be used for marketing promotion activities including paid advertising to be governed by the corresponding provisions of § 981.41. The other portions of the reserve could be used for other activities, such as research or program administration expenses authorized by § 981.41 and § 981.80, respectively. An operating reserve for administration expenses is necessary to enable continued routine functioning of the Board to administer authorized activities. The record indicates that the establishment of a reserve fund is incidental and necessary to the efficient operation of the program.

Each portion of the operating reserve should be limited to an amount approximating a full crop year's budget for each category. In other words, if one million dollars is budgeted for marketing promotion including paid advertising and $150,000 for administrative expenses, these amounts should be the limits for the corresponding portions of the operating reserve fund. Since the reserve would include both of the aforementioned categories it could be possible for the funds in one category to exceed its limit while the total of both categories were within the combined total maximum. Hence, the total of the reserve could be under the aggregate limitation, but one portion would be over its respective limit. In such event, any money accumulated in excess of the limit for that particular category should be refunded proportionately to the handlers from whom collected. Each handler's share of such excess funds would be the amount of assessments including eligible credits for marketing promotion including paid advertising he has paid in excess of his pro rata share of the actual expenses of the Board including such credits for such category and the addition, if any, to the corresponding operating reserve fund.

Since there is no budgetary amount established for marketing promotion including paid advertising, a full crop year's budgeted amount should be an approximate limitation for the applicable portion of the operating reserve. The limitation applicable to the administrative portion of the reserve could easily be established since the Board has had a budget for each of the past 21 years.

Accordingly, the proposal to revise paragraphs (b) and (c) of § 981.81 as hereinafter set forth is recommended for adoption.

(8) The hearing notice contained proposals to modify the first sentence of § 981.81(a) by inserting after the words "to meet the authorized board expenses" the words "and the operating reserve requirements." Since the establishment of an operating reserve is recommended for adoption, it should be clearly provided that assessment money can also be used as authorized by the operating reserve requirements. Also, in the first sentence of § 981.81(a) after the words "such sum" the words "less any amounts credited pursuant to § 981.41" should be included to provide that handlers who receive assessment billings could deduct authorized amounts which represent eligible credits resulting from paid advertising activities. Hence, the proposals as hereinafter set forth are recommended for adoption.

Also, in § 981.81(a) a new sentence after the last sentence, should be added to read: "The payment of assessments for the maintenance and functioning of the Board may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative." This would authorize the Board to collect assessments when certain order provisions are inoperative. Due to the requirements of the act, in instances when the price of a commodity exceeds parity, no volume regulations can be undertaken. However, a major part of the administrative and operational expenses of the Board continue regardless of whether or not volume regulations are operative. The proposal would permit collection of assessment to defray such Board expenses. Hence, the proposal as hereinafter set forth in § 981.81(a) is recommended for adoption.

To make clear that accumulation and maintenance of an operating reserve fund is an authorized use of Board funds, § 981.80 should be revised as hereinafter set forth. Thus, this section will conform to the concept of an operating reserve which is recommended for inclusion in § 981.81.

(9) The notice of hearing contained a proposal to establish a maximum assessment rate of $0.02 per pound of almonds, kernel weight basis, applicable to marketing promotion including paid advertising. Also, the proposal would allocate not less than 80 percent of such assessment to paid media advertising expenditures. The proponents supporting this proposal stated that this approach would enable handlers to compute what their maximum assessment obligation attributable to advertising would be.

Opposition testimony to the proposal stated that establishment of a maximum assessment rate and a percentage of that assessment to be spent for marketing promotion including paid advertising would be too restrictive. It is possible, in certain years, that little or no money would be expended for advertising, while in others, the Board could recommend a major promotion program for almonds. Thus, the proposed restriction could prevent the Board from achieving its desired objectives. It would be more appropriate and satisfactory for the Board to carefully consider what promotion activities it desires for any given year and then determine the appropriate amount of money that is needed to meet this objective. The Board should then recommend an assessment rate which would reflect the objectives of the Board and the needs and costs of the advertising or promotion activities. Hence, the proposal is not recommended for adoption.

(10) Some of the proposed amendatory actions herein cause the need to make certain conforming changes, as hereinafter set forth, in the provisions of the order, so that the order, as proposed to be amended, will be in conformity with those actions. Such changes are discussed herein with the issues to which pertinent. All of such changes should be incorporated herein.

Rulings on proposed findings and conclusions. The presiding officer announced at the hearing that interested persons would be allowed to and including June 7, 1971, to file with the Hearing Clerk proposed findings and conclusions, and written arguments or briefs, based upon evidence received at the hearing. A request for an extension of time for filing briefs until July 7, 1971, was granted by the presiding officer. A further request for an extension of time until July 19, 1971, was granted by the presiding officer. Two briefs were filed, one on behalf of the California Almond Growers Exchange, and the other on behalf of the Almond Growers Council. Every point covered in these briefs has been considered carefully, in light of the scope of the notice and the evidence of record, in making the findings and conclusions herein set forth. To the extent that any suggested findings and conclusions contained in those briefs are inconsistent with the findings and conclusions set forth herein, they are denied on the basis of the facts found and stated in connection with this recommended decision.

General findings. (1) The findings hereinafter set forth are supplementary, and in addition to the previous findings and determinations which have been made in connection with the issuance of the marketing agreement and order, and the subsequent amendment thereof, and all of the said previous findings and determinations are hereby ratified and affirmed. (For prior findings and determinations see 15 F.R. 4993; 22 F.R. 3781; 22 F.R. 8485; 23 F.R. 903; 35 F.R. 11372.)

(2) The marketing agreement and order, as amended and hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(3) The marketing agreement and order, as amended and hereby proposed to be further amended, regulate the handling of almonds grown in California in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(4) There are no differences in the production and marketing of almonds in the production area covered by the marketing agreement and order, as amended and hereby proposed to be further amended, which require different terms applicable to different parts of such area;

(5) The marketing agreement and order, as amended and hereby proposed to be further amended, are limited in application to the smallest regional production area which is practicable, consistent with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the disclosed policy of the act; and

(6) All handling of almonds grown in California is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the order. The following further amendment of the order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

§ 981.16 [Amended]

1. Section 981.16 is revised by deleting the words "continental," "Alaska," and "Hawaii."

§ 981.21 [Amended]

2. Section 981.21 is revised by deleting the word "continental," and substituting therefor the word "the" and deleting the words "Alaska" and "Hawaii."

3. A new paragraph (e) is added to § 981.40 to read:

§ 981.40 Procedure.

* * * * *

(e) *Additional voting requirements.* Adoption of recommendations by the Control Board with respect to projects pursuant to § 981.41 involving production research, marketing research and development projects, and marketing promotion including paid advertising and crediting the pro rata expense assessment obligation of handlers with such portion of their direct expenditures for marketing promotion including paid advertising, shall require at least seven affirmative votes.

4. Section 981.41 is revised to read:

§ 981.41 Research and development.

(a) *General.* The Control Board, with the approval of the Secretary, may establish or provide for the establishment of projects involving production research, marketing research and development and marketing promotion including paid advertising, designed to assist, improve, or promote the marketing, distribution, consumption, or efficient production of almonds. The Board may also provide for crediting the pro rata expense assessment obligations of a handler with such portion of his direct expenditure for such

marketing promotion including paid advertising as may be authorized. The expenses of such projects shall be paid from funds collected pursuant to § 981.81(a) or credited pursuant to paragraph (c) of this section.

(b) *Authorization.* If, on the basis of a Control Board recommendation pursuant to § 981.40(e) with respect to projects pursuant to this section, and appertaining rules and regulations established by the Secretary on recommendation of the Control Board, and other available information, the Secretary concurs that such activities should be permitted, he shall authorize such activities.

(c) *Creditable expenditures.* The Control Board, with the approval of the Secretary, may provide for crediting all or any portion of a handler's direct expenditures for marketing promotion including paid advertising, that promotes the sale of almonds, almond products or their uses. No handler shall receive credit for any allowable direct expenditures that would exceed the total of his assessment obligation which is attributable to that portion of his assessment designated for marketing promotion including paid advertising. Such expenditures may include, but are not limited to, money spent for advertising space or time in newspapers, magazines, radio, television, transit, and outdoor media, including the actual standard agency commission costs not to exceed 15 percent: *Provided,* That advertising production costs, preparation expenses, travel allowances, and other expenses not directly connected with paid space or time, and costs relating to pretesting of advertising, test marketing, directory advertising, point of sales materials, premiums, and trade promotion allowances shall not be eligible for credit against a handler's assessment obligation.

(d) *Promotion guidelines.* All marketing promotion activity engaged in by the Control Board, including paid advertising, shall be subject to the following terms and conditions:

(1) No marketing promotion, including paid advertising shall refer to any private brand, private trademark or private trade name;

(2) No promotion or advertising shall disparage the quality, use, value, or sale of like or any other agricultural commodity or product, and no false or unwarranted claims shall be made in connection with the product;

(3) No promotion or advertising shall be undertaken without reason to believe that returns to producers will be improved by such activity; and

(4) Upon conclusion of each activity; but at least annually, the Control Board shall summarize and report the results of such activity to its members and to the Secretary.

(e) *Rules and regulations.* Before any project involving marketing promotion, including paid advertising and the crediting of the pro rata expense assessment obligation of handlers is undertaken pursuant to this section, the Secretary, after recommendation by the Board, shall prescribe appropriate rules and regulations as are necessary to effectively regulate such activity.

§ 981.66 [Amended]

5. Paragraph (b) of § 981.66 is revised by deleting the words "continental," "Alaska," and "Hawaii."

6. Paragraph (c) of § 981.66 is revised by deleting the words "Alaska" and "Hawaii."

§ 981.70 [Amended]

7. Section 981.70 is revised by inserting in the first sentence after the word "disposition" the words "advertising and promotion activities."

§ 981.80 [Amended]

8. Section 981.80 is revised by inserting in the first sentence after the words "maintenance and functioning of the Control Board" the words, "including the accumulation and maintenance of an operating reserve fund", and in the second sentence after the word "expenses" the words "and size of the operating reserve fund".

§ 981.81 [Amended]

9. Paragraph (a) of § 981.81 is revised by inserting in the first sentence after the words "such sums" the words "less any amounts credited pursuant to § 981.41" and by inserting after the words "to meet the authorized Board expenses" the words "and the operating reserve requirements," and by adding a new sentence, after the last sentence, to read as follows: "The payment of assessments for the maintenance and functioning of the Board may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative".

10. Paragraph (b) of 981.81 is revised to read:

(b) *Refunds.* Any money collected as assessments during any crop year and not expended at the end of the crop year's operations shall be used by the Control Board during the period of 4 months subsequent to such crop year in paying the expenses of the Control Board incurred in connection with the new crop year, refunded by the Control Board in accordance with the provisions of this part, or be retained in an operating reserve fund as provided in paragraph (c) of this section. Assessments collected in excess of Board expenses and not retained in the reserve shall be refunded to handlers. The Control Board shall from funds on hand, including assessments collected during the new crop year, or from funds in the reserve, distribute or make available within 5 months after the beginning of the new crop year, such excess to the handlers from whom it was collected. Each handler's share of such funds shall be the amount of assessment he paid to the Board plus any assessment credited pursuant to § 981.41, in excess of his pro rata share of actual expenses of the Board including amounts credited to handlers for paid advertising pursuant to § 981.41 and the addition, if any, to the operating reserve fund.

11. Paragraph (c) of § 981.81 is designated (d), and a new paragraph (c) is added to read:

(c) *Reserve.* The Board, with the approval of the Secretary, may establish and maintain during one or more crop years an operating reserve fund for marketing promotion including paid advertising, and for the maintenance and functioning, and other authorized activities of the Board. For the foregoing respective activities, the amount applicable to these purposes shall not exceed approximately one crop year's budgeted expenses for such activities. Upon approval of the Secretary, funds accumulated in the reserve fund may be used by the Board for authorized activities.

Dated: October 26, 1971.

G. R. GRANGE,
Acting Deputy Administrator,
Regulatory Programs.

[FR Doc.71-15824 Filed 10-29-71;8:47 am]

[7 CFR Part 984]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

Proposed Minimum Kernel Content Requirement for Surplus Shelled Walnuts

Notice is hereby given of a proposal to amend § 984.450(b) of Subpart—Administrative Rules and Regulations (7 CFR 984.437–984.480) to revise the minimum kernel content requirements for certain lots of shelled walnuts which may be withheld to satisfy any part or all of a handler's surplus obligation. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 984, as amended (7 CFR Part 984), regulating the handling of walnuts grown in California, Oregon, and Washington. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposal is based on a unanimous recommendation of the Walnut Control Board.

Section 984.50(e) provides, in part, that the Board, with the approval of the Secretary, may specify the minimum kernel content and related requirements for any lot of walnuts acceptable in satisfaction of a surplus obligation. These requirements are set forth in § 984.450. For shelled walnuts, § 984.450(b) provides, among other things, that any lot of shelled walnuts withheld to meet any part or all of a handler's surplus obligation shall have a certified kernelweight of kernels six sixty-fourths of an inch or larger, of not less than 10 percent of the total weight of the lot.

Processing lots of merchantable shelled walnuts by chopping, slicing, or dicing results in very fine pieces of walnuts smaller than six sixty-fourths inch, which are referred to as walnut meal. The provisions of § 984.450(b) preclude such meal from being credited, pursuant to § 984.54, in satisfaction of a handler's surplus obligation even though the meal was derived

from merchantable shelled walnuts. The Board has recommended that handlers be given credit for this meal. In order to permit such crediting, the Board has proposed that the minimum kernel content requirements in § 984.450(b) not apply to walnut meal resulting from the chopping, slicing, or dicing of merchantable shelled walnuts.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 7 days after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

Amend paragraph (b) of § 984.450 of Subpart—Administrative Rules and Regulations (7 CFR 984.437–984.480) to read as follows:

§ 984.450 Minimum kernel content requirements for surplus.

* * * * *

(b) *For shelled walnuts.* Any lot of shelled walnuts withheld to meet any part or all of a handler's surplus obligation, shall have a certified kernel-weight of kernels six sixty-fourths of an inch or larger, of not less than 10 percent of the total weight of the lot: *Provided,* That such minimum kernel content requirements shall not apply to any lot of walnut meal certified by the designated inspection service as having been derived from chopping, slicing, or dicing merchantable shelled walnuts: *And provided further,* That no such lots may be exported unless they meet the minimum requirements for merchantable shelled walnuts effective pursuant to § 984.50(b).

Dated: October 26, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–15826 Filed 10–29–71;8:47 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGFR 71–119]

ONTONAGON RIVER, MICHIGAN

Proposed Drawbridge Operation Regulations

The Coast Guard is considering revising the regulations for the Michigan State Highway Department bridge across the Ontonagon River at Ontonagon, Mich. Present regulations require that the draw open on signal from March 16 through December 31 from 6 a.m. to 6 p.m. and from 6 p.m. to 6 a.m. if at least 1 hour's notice has been given. From January 1 through March 15 the draw shall open if at least 24 hours' notice has been given. The proposed regulations would require the draw to open on signal from March 16 through December 15 from 7 a.m. to 11 p.m. and from 11 p.m. to 7 a.m. if at least 1 hour's notice has been given. From December 16 through March 15, 24 hours' notice is still required. This change is being considered because of increased boating activity at Ontonagon Harbor.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, OH 44199. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Ninth Coast Guard District.

The Commander, Ninth Coast Guard District, will forward any comments received before December 3, 1971, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.641(f)(2) to read as follows:

§ 117.641 Great Lakes tributaries: bridges where constant attendance of drawtenders is not required.

* * * * *

(f) * * *

(2) Ontonagon Harbor, Mich.; Michigan State Highway Department bridge at Ontonagon. From March 16 through December 15 from 7 a.m. to 11 p.m. the draw shall open on signal and from 11 p.m. to 7 a.m. the draw shall open on signal if at least 1 hours' notice has been given. From December 16 through March 15 the draw shall open on signal if at least 24 hours' notice has been given. The opening signal is one long blast followed by one short blast.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05–1(c)(4))

Dated: October 26, 1971.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.71–15832 Filed 10–29–71;8:47 am]

[33 CFR Part 117]

[CGFR 71–120]

SHEBOYGAN RIVER, WIS.

Proposed Drawbridge Operation Regulations

The Coast Guard is considering revising the regulations for the Eighth Street bridge across the Sheboygan River, Sheboygan, Wis., to require that one draw open on signal from May 1 through October 30 from 6 a.m. to 10 p.m. and at all other times if at least 2 hours' notice has been given. Both draws will be opened at any time if at least 2 hours' notice has been given. Present regulations require that the draws open on signal from April 1 through November 30 and at all other times if at least 1 hour's notice has been given. This change is being considered because of infrequent openings for the passage of vessels from 10 p.m. to 6 a.m. from May 1 through October 30 and from November 1 through April 30 and because most of the vessels which use this waterway can pass through one open draw with the 50-foot horizontal clearance provided.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Ninth Coast Guard District, 1240 East Ninth Street, Cleveland, OH 44199. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Ninth Coast Guard District.

The Commander, Ninth Coast Guard District, will forward any comments received before December 3, 1971, with his recommendations to the Chief, Office of Marine Environment and Systems who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.652 to read as follows:

117.652 Sheboygan River, Wis.; Eighth Street bridge at Sheboygan, Wis.

(a) From May 1 through October 30 from 6 a.m. to 10 p.m. one draw shall open on signal.

(b) One draw shall open on signal at all other times of the year if at least 2 hours' notice has been given.

(c) Both draws shall open at any time if at least 2 hours' notice has been given.

(d) Signals (1) the opening signal is one long blast followed by one short blast.

(2) The acknowledging signal when the draw will open is one long blast followed by one short blast.

(3) The acknowledging signal when the draw will not open or is open and

must close is four blasts. When the draw can open the signal is one long blast followed by one short blast.

(4) The signals may be made by a whistle, horn, or bell, or by shouting.

(e) The owner of or agency controlling the bridge shall conspicuously post notices containing the substance of these regulations, both upstream and downstream, on the bridge or elsewhere, in such a manner that they can easily be read at all times from an approaching vessel.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: October 26, 1971.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.71-15833 Filed 10-29-71;8:47 am]

[33 CFR Part 117]

[CGFR 71-121]

MOKELUMNE RIVER, CALIF.

Proposed Drawbridge Operation Regulations

The Coast Guard is considering amending the regulations for the Sacramento-San Joaquin County highway bridge and Western Pacific Railroad bridge across the Mokelumne River near Thornton to provide that the draws need not open for the passage of vessels. Present regulations require the draws to open if at least 2 days' notice has been given. This change is being considered because the last recorded opening of both the highway and railroad bridges occurred in 1951, indicating little or no use by vessels which would require these draws to open.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), 12th Coast Guard District, 630 Sansome Street, San Francisco, CA 94126. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, 12th Coast Guard District.

The Commander, 12th Coast Guard District, will forward any comments received before December 3, 1971, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 of Title 33 of the Code of Federal Regulations, be amended by revising § 117.714(h)(1)(ii) to read as follows:

§ 117.714 San Joaquin River and its tributaries, California.

* * * * *

(h) *Mokelumne River, including North and South Forks—(1) Mokelumne River*

* * * * *

(ii) Drawbridges above New Hope Landing. The draws of these bridges need not be opened to the passage of navigation. However, the owners of or agencies controlling these bridges shall restore the draws to full operation within 6 months of notification to take such action from the Commandant, U.S. Coast Guard.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4))

Dated: October 26, 1971.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.71-15834 Filed 10-29-71;8:47 am]

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 11466]

DOWTY-ROTOL PROPELLERS WITH BLADE ROOT SIZES 20 AND 30

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Dowty-Rotol propellers that have 20 root and 30 root diameter propeller blades. It has been determined that discrepancies in the ground tracks of the blade root bearings or misassembly of the blade bearing assemblies can cause a loss of preload and possible fatigue damage to the blades or blade bolts that could result in blade failure. In view of the seriousness of an inflight blade failure and to ensure that failsafe design requirements are maintained, the proposed AD would require inspection of propellers with blade root bearing tracks that have been reground by other than the bearing manufacture within the next 400 hours' time in service after the effective date of the AD and the inspection of all other propellers at the next blade overhaul or disassembly during a maintenance period after the effective date of the AD. If blade assemblies are found with spigot expansion that exceeds specified values, the proposed AD would require the blades, blade assemblies, and blade bolts to be removed from service, and depending on the amount of spigot expansion, to either be marked to prevent their further use or subject to further tests by the propeller manufacture to determine the remaining service life of the blade and blade bolt.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before November 29, 1971, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend section 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

DOWTY-ROTOL. Applies to all propellers with blade root sizes Nos. 20 and 30. These propellers are installed on but not necessarily limited to Fairchild F-27 Series; Fairchild Hiller F-227 Series, Armstrong Whitworth Argosy Typo AW650 Series; Vickers Viscount 745 and 810 Series; and Grumman G-159 Series airplanes.

Compliance required as indicated unless already accomplished.

To prevent possible fatigue failure of propeller blades or blade bolts as a result of loss of preload due to discrepancies in the ground tracks or improper assembly of the propeller blade bearing, accomplish the following:

(a) For propellers with blade root bearing tracks that have been reground by other than the bearing manufacturer (British Timken), within the next 400 hours' time in service after the effective date of this AD, comply with paragraph (c).

(b) For all other propellers, at the next blade overhaul or disassembly during a maintenance period after the effective date of this AD, comply with paragraph (c).

(c) Disassemble propellers to the stage where the assembly of blades complete with bearings are removed from the hub, rotate the center race through an arc of approximately 80 degrees at least three times, and measure the bearing torque and then measure the mean spigot diameter before and after removal of the preload and compute the spigot expansion in accordance with Dowty Rotol Service Letter No. SER/SSL/1, dated August 12, 1971, or FAA-approved equivalent. If the spigot expansion, for a bearing size and blade bearing assembly specified in Columns 1 and 2 of the following table, is—

(1) More than Expansion Value A (Column 4), the bearing assemblies, blades, and blade bolt may be returned to service.

(2) Less than Expansion Value B (Column 5), the bearing assemblies, blades, and blade bolt must be removed from service and marked in a manner that will prevent their further use.

(3) Less than Expansion Value A (Column 4), but more than Expansion Value B (Column 5), the bearing assemblies must be subjected to a load-expansion-torque test by Dowty-Rotol, Ltd., Service Department, Cheltenham Road, Gloucester, England, to determine the remaining service life of the blade and blade bolt. The measurements of the bearing torque and the mean spigot diameter before and after removal of the preload required by this paragraph should accompany the parts.

Bearing size (Col. 1)	Blade bearing assembly (Col. 2)	Normal spigot expansion (Col. 3)	Expansion value A (Col. 4)	Expansion value B (Col. 5)
		Inch	*Inch*	*Inch*
No. 20	RA38965	0.0055 to 0.0060	0.0050	0.0035
	RA38965Z			
	RA38965Z-1			
	RA54100	0.0050 to 0.0055	0.0040	0.0030
	RA54100Z			
	RA54100Z-1			
No. 30	RA57099	0.0040 to 0.0045	0.0035	0.0025
	RA57099Z			
	RA57099Z-1			
	RA22355/1	0.0035 to 0.0040	0.0030	0.0022
	RA22355/2			

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on October 26, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.71-15819 Filed 10-29-71;8:46 am]

[14 CFR Part 73]

[Airspace Docket No. 71-SO-135]

RESTRICTED AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 73 of the Federal Aviation Regulations that would designate a restricted area in the vicinity of Macon, Miss.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the Office of the Regional Air Traffic Division Chief.

The FAA proposes to designate the Macon, Miss., restricted area as follows:

BOUNDARIES

1. Beginning at lat. 33°02'39" N., long. 88°42'37" W.; to lat. 33°04'30" N., long. 88°40'18" W.; to lat. 33°03'34" N., long. 88°39'08" W.; to lat. 33°01'43" N., long. 88°41'23" W.; to point of beginning.

2. A circle with a 5-nautical-mile radius centered at lat. 33°03'11" N., long. 88°40'41" W.

DESIGNATED ALTITUDES

Surface to 11,500 feet MSL, within the area described in item 1; from 1,200 feet above the surface to 11,500 feet MSL, within the area described in item 2.

Time of designation: Sunrise to sunset, Monday through Saturday.

Controlling agency: Federal Aviation Administration, Memphis ARTC Center.

Using agency: Commander, Training Wing One, NAS, Meridian, Miss.

The proposed restricted area is needed for practice bombing activities and weapons training qualification in the advanced phase of jet pilot training.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on October 22, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-15820 Filed 10-29-71;8:46 am]

CIVIL AERONAUTICS BOARD

[14 CFR Parts 373, 378, 378a]

[Docket No. 23940]

MODIFICATION OF SURETY BOND REQUIREMENTS AND MISCELLANEOUS AMENDMENTS

Notice of Proposed Rule Making

OCTOBER 26, 1971.

Notice is hereby given that the Civil Aeronautics Board has under consideration modification of the surety bond provisions of Parts 373, 378, and 378a of the Board's special regulations and certain miscellaneous amendments to these parts. The principal features of the proposed rule are set forth in the attached explanatory statement and proposed rule. The amendments are proposed under the authority of sections 101(3), 101(33), 204(a), 401, 402, 407, and 416(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 737 (as amended by 75 Stat. 467, 76 Stat. 143, 82 Stat. 867, 84 Stat. 921), 743, 754, 757, 766, 771; 49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1386.

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in communications received on or before December 2, 1971, will be considered before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, DC, upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

EXPLANATORY STATEMENT

The Board's experience with Part 378[1] over the last few years has revealed a number of administrative problems which we believe have been caused largely by imprecise language in certain provisions of the part and which can be resolved for the most part by the amendments proposed herein. Therefore, we propose to promulgate these clarifying amendments as well as corresponding provisions in Parts 378a[2] and 373.[3]

1. *Standards for an acceptable surety company.* Section 378.16(c) requires in part that the surety bonds for inclusive tour charters be issued by a "reputable and financially repsonsible bonding or surety company * * *" It further provides that a bonding or surety company is "prima facie" qualified to issue surety bonds if the company's surety bonds are accepted by the Interstate Commerce Commission and if the company is listed in Best's Insurance Reports with a general policyholders' rating of "A" or better. Furthermore, this section prohibits the operation of an inclusive tour charter under a bond issued by a surety company that does not meet the requirements of § 378.16(c).

We propose to revise the rule so as to impose the following single objective standard for determining eligibility of a surety company to issue bonds under the rule: that the company's surety bonds are accepted by the ICC and that the company is listed in Best's Insurance Reports with a general policyholders' rating of "A" or better. It is our view that ad hoc determinations of reputability and financial responsibility of individual surety companies on a subjective basis, as contemplated by the existing rule, could absorb considerable time of the Board's limited staff. Moreover, the Board should not be placed in the position of having to make such determinations without appropriate guidelines in a field in which it has limited expertise. At the same time, conscious of the purpose of these bonding requirements, it is imperative that any objective standard to be applied automatically to a surety company should leave no reasonable doubt as to the surety's reputation and financial responsibility. The corresponding provisions in Parts 373 and 378a (§§ 373.15(c) and 378a.13(c)) would be amended in the same manner.

2. *Language of surety bond.* Under existing regulations, the bond is not required to describe or otherwise identify

[1] Inclusive tours by supplemental air carriers, certain foreign air carriers, and tour operators.

[2] Bulk inclusive tours by tour operators.

[3] Study group charters by direct air carriers and study group charterers.

the tour or tours to which the bond applies. As a result, tours supposedly covered by the bond generally are not identified therein. Also, some surety companies have issued several bonds of the same denomination to a tour operator for a number of tours without showing individual bond identifications. In these situations it is not possible to determine whether one bond has been issued for more than one inclusive tour or whether several bonds have in fact been issued to cover all proposed tours. We therefore propose to amend the pertinent provisions[4] to require that surety bonds be specifically identified by the issuing surety with a company bond numbering system and that the bond have listed on its face the dates of flight departures.

3. *Effective date of bond.* Another difficulty arises when a bond is written so as to become effective on the date of departure of the tour. Obviously, such a bond would not cover the participants' payments made prior to the effective date of the bond. As a matter of practice, the Board through its staff now requires that the bond become effective on or before the date the Tour Prospectus is filed with the Board. We propose to amend the bond provision so as to include this practice in the rule.[5]

4. *Contract between tour operator and tour participant.* It is proposed to provide more specificity in the rules[6] relating to the terms of the contract between the tour operator and the tour participant as follows:

a. The present language requires that contracts between tour operators and tour participants shall include "provisions concerning" certain matters. The quoted language will be changed to read "provisions specifically stating." (See §§ 373.18, 378.17, and 378a.14, infra.)

b. An existing requirement in Part 373 (§ 373.18(b)) calls for the contract to set forth the procedure for obtaining trip liability insurance for study group charter participants and the cost to the individual student participant. This requirement will be added to Parts 378 and 378a. (See §§ 378.17 and 378a.14, infra.)

c. A separate paragraph in Part 373 (§ 373.18(c)) calls for refunds in the event of the passengers' change in plans. The same provision in contracts under Parts 378 and 378a should also be set forth in a separate paragraph. (See §§ 378.17(b–1) and 378a.14(b–1), infra.)

d. The contract between the tour operator and the tour participant will be required to state the dollar amounts of the carriers' liability limitations for passengers' baggage, as set forth in the carriers' tariffs. (See §§ 373.18(d), 378.17(c), and 378a.14(c), infra.)

e. The statement as to seating accommodations in §§ 373.18(f) and 378.17(e) will be deleted since it serves no regulatory purpose. In its place we propose to require a provision stating the responsibility of tour operators. Many tour operators have been setting forth in the brochure the standard travel agent "responsibility clause" stating that they are "acting only as agents for the participants, the air carrier, and/or the hotels." However, an operator offering ITC's, BIT's and study group charters acts as an indirect air carrier and, as such, assumes the role of principal in his relationship with tour participants. Thus, he is entirely responsible to the participants for the tour's successful operation. The Board's practice has been to require the operator to remove from brochures the words "acting as agent" and to include therein language setting forth an appropriate tour operator responsibility provision. We propose to include this practice in the rules. In this way future misunderstanding should be avoided. (See §§ 373.18(f), 378.17(h), 378a.14(e), infra.)

f. Part 373 (§ 373.18(g)) requires that the contract between a study group charterer and a study group participant shall provide for refunds in the event of a change in itinerary or in case of the nonperformance of a study group charter. A similar provision will be required in the tour operator-tour participant contracts in Parts 378 and 378a (see §§ 378.17(b–2) and 378a.14(b–2), infra.).

g. We propose to require a provision in the contract between the tour operator and tour participant identifying the name and address of the surety company and the dollar amount of the bond. (See §§ 373.18(i), 378.17(e), 378a.14(d), infra.) Refund claims must be filed by the participant with the tour operator within the 60-day period prescribed in such contract. However, should the tour operator suddenly cease operations and close its business after receiving deposits and payments, the participants may be unable to locate him for the purpose of filing with him their refund claims within the relatively short time prescribed for this purpose. By requiring the tour operator to identify the surety company, participants would have sufficient information to enable them to file their default claims with the tour operator and/or surety for payment under the surety bond.[7]

h. A new provision (§§ 373.18(j), 378.17(j), 378a.14(g), infra) has been included to assure that participants' deposits and payments are placed in the depository account where the combined surety bond-depository agreement is used. Although this provision is implied by §§ 373.15(b)(2), 378.16(b)(2), and 378a.13(b)(2) and is required as a matter of practice by the Board's staff, it is not specifically set forth in the present rules. In a number of instances, tour operators unfamiliar with the staff's requirement initially do not include this statement in their brochure and they are later required either to reprint the entire brochure or to publish a flyer thereto with this statement printed thereon. This new provision should obviate the above confusion which results in added expense to tour operators.

5. *Post-tour report.* Sections 373.20 and 378.20 in the case of study group charters and ITC's, respectively, require the direct air carrier and tour operator/study group charterer to file jointly a post-tour (charter) report. However, the format of the report is not prescribed. We propose to provide for such a format which is attached hereto as Appendix B of Part 373 and Appendix B of Part 378. Providing for such a format in the rules should expedite the receipt of this information and facilitate obtaining it.

6. *Air fare computations in Part 378.* Section 378.13(h) requires that the tour prospectus include the computation of the individually ticketed air fare as provided in § 378.2(b)(4).[8] A number of prospectuses have been filed showing only the route and the amount of a scheduled-carrier fare over the route. The staff is therefore required to research the fare used to determine whether or not the tariff condition in the rule has been complied with. Often the staff must seek additional information from the tour operator with respect to the fares used. We propose to obviate this delay by providing in the rule that the prospectus shall indicate the individually ticketed air fare, the computation as provided in § 378.2(b)(4) and shall specify each fare used in such computation and each applicable tariff reference. (§ 378.13(h), infra.)

7. *Air/sea cruise tours.* Section 378.2(b)(2) establishes a three-step requirement for ITC's in the following language: "The land portion of the tour must provide overnight hotel accommodations at a minimum of three places other than the point of origin * * *." Occasionally, the Board has granted waivers to permit the use of cruise ship accommodations in lieu of hotel accommodations for ITC's. In fact, the rules contain delegated authority to the staff, in the case of inclusive tour charters performed under Part 378, to grant waivers of § 378.2(b)(2) to permit, on air/sea inclusive tours, daytime stops by a cruise ship in lieu of overnight stops where both of the following conditions prevail: (1) The daytime stop is of at least 12 hours' duration; and (2) the daytime stop is preceded or followed by a night at sea (§ 385.13(v)(1)). Lately, there has been an increase in the number of requests for such waivers.[9] In view of this surge of activity with this type of tour, we propose to amend Part 378 to grant blanket authorization for air/sea cruise ITC's under the following conditions: (1) Where a cruise ship remains in port during the 10 p.m. to 6 a.m. period with tour

[4] Sections 378.16(c), 378a.13(c), and 373.15(c).

[5] Sections 373.15(c), 378.16(c), and 378a.13(c).

[6] Sections 373.18, 378.17, and 378a.14.

[7] The language of the surety bond and related provisions will also be modified to provide for service of claims on the surety if service on the tour operator/study group charterer is not possible.

[8] There is no comparable provision in Parts 373 and 378a.

[9] In 1969, 25 air/sea cruise tours operated to the Caribbean area and 20 operated in 1970. Three other air/sea ITC's operated to points in the Mediterranean and to the Greek islands in 1970. For 1971, there are 171 such tours proposed.

participants on board, the ship's accommodations should be construed as "overnight" hotel accommodations; (2) where a ship is at sea between ports during the 10 p.m. to 6 a.m. period, a daytime stop should be construed as one of the required three stops, provided that each such daytime air/sea cruise tour stop is preceded or followed by a night (10 p.m. to 6 a.m.) at sea, and provided further that each daytime stop is of at least 12 hours' duration; and (3) the other requirements for the usual air/land ITC also should be complied with—i.e., a minimum of 7 days' duration, a minimum of three stops no less than 50 air (rather than sea) miles apart, tour price at least 110 percent of available air fares, and a minimum of 40 persons per group.

Most of the above changes represent current administrative practices under existing rules, as applied by the staff from time to time on an informal basis. By embodying them in the rules, the staff should be relieved of some administrative burden in implementing the rules. This result would be achieved by making the rules more explicit and self-executing and, conversely, less subject to individual interpretation by tour operators or study group charterers. Both the Board and the affected industry should benefit from these modifications.

PROPOSED RULES

It is proposed to amend Parts 373, 378, and 378a of the Board's Special Regulations (14 CFR Parts 373, 378, and 378a) as follows:

PART 373—STUDY GROUP CHARTERS BY DIRECT AIR CARRIERS AND STUDY GROUP CHARTERERS

1. Amend § 373.10 to read in part as follows:

§ 373.10 Study group statement.

* * * * *

(c) The statement shall be filed in duplicate and shall include two copies of each of the following: The charter contract, the contract between the study group charterer and the student participants, an original and one copy of the study group charterer's surety bond (and an additional copy of the surety bond shall be furnished the chartering direct air carrier), and where applicable, two copies of the depository agreement with a bank as provided in § 373.15(b)(2). It shall also contain the following information:

(1) The name and * * *

* * * * *

2. Amend § 373.15 (c) and (d) to read as follows:

* * * * *

(c) The bond required under paragraphs (a) and (b) of this section shall insure the financial responsibility of the study group charterer and the supplying of the transportation and all other accommodations, services, and facilities in accordance with the contract between the study group charterer and the student participants, and shall be in the form set forth as Appendix A attached to Part 373.[20] Such bond shall be issued by a bonding or surety company whose surety bonds are accepted by the Interstate Commerce Commission under 49 CFR 1084.6, and which is listed in Best's Insurance Reports (Fire and Casualty) with a general policyholders' rating of "A" or better. The bonding or surety company shall be one legally authorized to issue bonds of that type in the State in which the study group charter originates. For purposes of this section, the term "State" includes any territory or possession of the United States, or the District of Columbia. The bond shall be specifically identified by the issuing surety with a company bond numbering system so that the Board may identify the bond with the specific charter or charters to which it relates. It shall be effective on or before the date the study group statement is filed with the Board. If the bond does not comply with the requirements of this section, or for any reason fails to provide satisfactory or adequate protection for the public, the Board will notify the direct air carrier and the study group charterer by registered or certified mail, stating the deficiencies of the bond. Unless such deficiencies are corrected within the time set forth in such notification, the subject study group charter or study group charters shall in no event be operated.

(d) The bond required by this section shall provide that unless the student participant files a claim with the study group charterer, or, if he is unavailable, with the surety, within sixty (60) days after completion of the study group charter, the surety shall be released from all liability under the bond to such student participant. The contract between the study group charterer and the student participant shall contain notice of this provision: *Provided, however,* That this section shall not apply to study group charters conducted by an "educational institution" as defined herein (§ 373.2).

3. Amend § 373.18 to read in part as follows:

§ 373.18 Contract between the study group charterer and the student participants.

Contracts between study group charterers and student participants shall include provisions specifically stating:

* * * * *

(1) The right to refunds in the event of the study group charter's cancellation and the procedure for obtaining such refunds;

(c) The right to refunds in the event of the passenger's change of plans and the procedure for obtaining such refunds;

(d) The dollar amounts of the carriers' liability limitations for passengers' baggage, as set forth in the carriers' tariffs;

* * * * *

(f) That the study group charterer is the principal and is responsible to the participants in making the arrangements for all charter services and accommodations offered as constituting the charter;

(g) The right to refunds in the event of change in itinerary or curriculum and the procedure for obtaining such refunds;

(h) That unless the student participant files a claim with the study group charterer, or, if he is unavailable, with the surety, within sixty (60) days after the completion of the charter, the surety shall be released from all liability under the bond to such student participant. (See § 373.15(d).);

(i) The name and address of the surety company issuing the surety bond and the dollar amount of the bond;

(j) That, when the combined surety bond/depository agreement, as provided in § 373.15(b) is used in connection with the charter program, all checks and money orders must be made payable to the escrow account at the depository bank (identify bank). Such a statement must be placed in all solicitation material, reservation coupons, etc.

4. Amend § 373.20 to read as follows:

§ 373.20 Post-charter report.

Within 30 days after the completion of the study group charter or series of study group charters, the direct air carrier and study group charterer shall file with the Board (Supplementary Services Division, Bureau of Operating Rights) a post-charter report. The post-charter report shall indicate whether or not the study group charter as authorized hereunder was, in fact, performed. To the extent that the operations differed from those described in the statement filed under §373.10, such differences shall be fully detailed including the reasons therefor. However, the making of such explanation shall not operate as authority for or excuse any such deviation. *Provided, however,* That this section shall not apply to study group charters conducted by an "educational institution" as defined herein (§ 373.2). The report shall be in the form attached hereto as Appendix B.

5. Designate the appendix to Part 373 as Appendix A and amend it as follows:

APPENDIX A

STUDY GROUP CHARTERER'S SURETY BOND UNDER PART 373 OF THE SPECIAL REGULATIONS OF THE CIVIL AERONAUTICS BOARD (14 CFR PART 373)

* * * * *

The liability of the Surety shall not be discharged * * *

The bond shall cover the following charters:

Surety company's bond No.	Date of flight departure	Place of flight departure

This bond is effective the _____ day of _____, 19__, 12:01 a.m., standard time at the address of the Principal as stated herein and shall continue in force until terminated as hereinafter provided. The Principal or the Surety may at any time terminate this bond by written notice to the Civil Aeronautics Board at its office in Washington, D.C., such termination to become effective

[20] Filed as part of original issuance (SPR-46).

thirty (30) days after actual receipt of said notice by the Board. The Surety shall not be liable hereunder for the payment of any of the damages hereinbefore described which arise as the result of any contracts, agreements, undertakings, or arrangements made by the Principal for the supplying of transportation and other services after the termination of this bond as herein provided, but such termination shall not affect the liability of the Surety hereunder for the payment of any such damages arising as the result of contracts, agreements, or arrangements made by the Principal for the supplying of transportation and other services prior to the date such termination becomes effective. Liability of the Surety under this bond shall in all events be limited only to a student participant or student participants who shall within sixty (60) days after the termination of the particular study group charter described herein give written notice of claim to the study group charterer or, if he is unavailable, to the Surety and all liability on this bond shall automatically terminate sixty (60) days after the termination date of the particular study group charter covered by this bond except for claims filed within the time provided herein.

* * * * *

6. Add Appendix B, Post-Charter Report, as set forth below.

APPENDIX B

POST-CHARTER REPORT

SGC No. _____.

1. Number of charters operated _____.
2. Number of charters not operated _____.
3. Specifically identify those charters not operated.
4. Reason(s) charter(s) not operated.
5. If charter(s) not operated, did prospective student participants receive full refunds?
6. Whether charter(s) actually performed were operated substantially different (e.g., dates, points served, charter price, etc.) from their description in the Study Group Statement and, if so, the reasons therefor.
7. Total number of student participants carried on charter(s) _____.

_____
Signature of direct air carrier

_____
Signature of study group charterer

PART 378—INCLUSIVE TOURS BY SUPPLEMENTAL AIR CARRIERS, CERTAIN FOREIGN AIR CARRIERS, AND TOUR OPERATORS

7. Amend § 378.2(b)(2) by designating § 378.2(b)(2) as § 378.2(b)(2)(i) and adding § 378.2(b)(2)(ii). As amended § 378.2(b)(2) will read as follows:

§ 378.2 Definitions.

* * * * *

(b) "Inclusive tour" means * * *

* * * * *

(2) (i) The land portion * * *; or

(ii) In the case of an air/sea cruise, the tour must make at least three stops at places, other than the point of origin, which are no less than 50 air miles from each other, and at each of the three stops either (*a*) overnight hotel accommodations must be provided, or (*b*) the cruise ship must remain in port from 10 p.m. to 6 a.m. with tour participants on board, or (*c*) the cruise ship must remain in port for at least 12 hours during the daytime and the stop must be preceded or followed by a night (10 p.m. to 6 a.m.) at sea between ports.

* * * * *

8. Amend § 378.13 to read in part as follows:

§ 378.13 Tour prospectus.

The Prospectus shall be filed in duplicate and shall include two copies of the following: The charter contract, the contract between the tour operator or foreign tour operator and tour participants, the tour operator's or foreign tour operator's surety bond (an original bond and a copy thereof), and, where applicable, two copies of the depository agreement with a bank as provided in § 378.16(b)(2). It shall also contain the following information:

(a) Name and address * * *

* * * * *

(h) The individually ticketed air fare, computed as provided in § 378.2(b)(4), specifically identifying each fare used in the computation and each tariff citation.

* * * * *

9. Amend paragraphs (c) and (d) of § 378.16 to read as follows:

§ 378.16 Surety bond.

* * * * *

(c) The bond required under paragraphs (a) and (b) of this section shall insure the financial responsibility of the tour operator or foreign tour operator and the supplying of the transportation and all other accommodations, services, and facilities in accordance with the contract between the tour operator or foreign tour operator and the tour participants, and shall be in the form set forth as Appendix A following § 378.31.[11] Such bond shall be issued by a bonding or surety company whose surety bonds are accepted by the Interstate Commerce Commission under 49 CFR 1084.6 and which is listed in Best's Insurance Reports (Fire and Casualty) with a general policyholders' rating of "A" or better. The bonding or surety company shall be one legally authorized to issue bonds of that type in the State in which the tour originates. For purposes of this section, the term "State" includes any territory or possession of the United States, or the District of Columbia. The bond shall be specifically identified by the issuing surety with a company bond numbering system so that the Board may identify the bond with the specific tour or tours to which it relates. It shall be effective on or before the date the Tour Prospectus is filed with the Board. If the bond does not comply with the requirements of this section, or for any reason fails to provide satisfactory or adequate protection for the public, the Board will notify the supplemental air carrier and the tour operator or foreign tour operator, by registered or certified mail, stating the deficiencies of the bond. Unless such deficiencies are corrected within the time set forth in such notification, the subject tour or tours shall in no event be operated.

(d) The bond required by this section shall provide that unless the tour participant files a claim with the tour operator or foreign tour operator, or, if he is unavailable, with the surety, within sixty (60) days after completion of the tour, the surety shall be released from all liability under the bond to such tour participant. The contract between the tour operator or foreign tour operator and the tour participant shall contain notice of this provision.

10. Amend § 378.17 to read in part as follows:

§ 378.17 Contract between tour operators or foreign tour operators and tour participants.

Where each participant in a tour receives the same accommodations, land tours, etc., the contract between the tour operator or foreign tour operator and the tour participants shall be the same. Contracts between tour operators or foreign tour operators and tour participants shall include provisions specifically stating:

(a) * * *

(1) The procedure for obtaining tripliability insurance and the cost to the individual tour participant;

(b) The right to refunds in the event of the tour's cancellation and the procedure for obtaining such refunds;

(1) The right to refunds in the event of the passenger's change of plans and the procedure for obtaining such refunds;

(2) The right to refunds in the event of change in iterary and the procedure for obtaining such refunds;

(c) The dollar amounts of the carriers' liability limitations for passengers' baggage, as set forth in the carriers' tariffs;

* * * * *

(e) The name and address of the surety company issuing the surety bond and the dollar amount of the bond;

(f) [Reserved]

(g) [Reserved]

(h) That the tour operator is the principal and is responsible to the participants in making the arrangements for all tour services and accommodations offered as constituting the tour;

(i) That unless the tour participant files a claim with the tour operator or foreign tour operator, or, if he is unavailable, with the surety, within sixty (60) days after completion of the tour, the surety shall be released from all liability under the bond to such participant (see § 378.16(d));

(j) That, when the combined surety bond-depository agreement, as provided in § 378.16(b) is used in connection with the tour program, all checks and money orders must be made payable to the escrow account at the depository bank (identify bank) or, where the tour is sold to the participant by a retail travel agent, checks and money orders may be made payable to the agent, who must in turn make his check payable to the escrow account at the depository bank. Such a

[11] Filed as part of reissued document (SPR-40).

statement must be placed in all solicitation material, reservation coupons, etc.

11. Amend § 378.20(a) to read as follows:

§ 378.20 Post-tour reporting.

(a) Within 30 days after completion of a tour or series of tours, the supplemental air carrier and tour operator or foreign tour operator shall jointly file with the Board (Supplementary Services Division, Bureau of Operating Rights) a post-tour report: *Provided,* That in the case of a series of tours which exceeds 6 months between commencement of the first tour and departure of the last tour, the supplemental air carrier and tour operator or foreign tour operator shall file a joint interim report within 30 days after the expiration of 6 months from commencement of the first tour, covering tours completed during such 6 months. The post-tour and interim report shall indicate whether or not the tours authorized hereunder were, in fact, performed. To the extent that the operations differed from those described in the prospectus filed under § 378.10, such differences shall be fully detailed including the reasons therefor. However, the making of such an explanation shall not of itself operate as authority for or excuse any such deviation. The report shall be in the form attached hereto as Appendix B.

12. Designate the appendix to Part 378 as Appendix A and amend it as follows:

APPENDIX A

TOUR OPERATOR'S SURETY BOND UNDER PART 378 OF THE SPECIAL REGULATIONS OF THE CIVIL AERONAUTICS BOARD (14 CFR PART 378)

* * * * *

The liability of the Surety shall not be discharged * * *

The bond shall cover the following tours:

Surety company's bond No.	Date of flight departure	Place of flight departure

This bond is effective the ____ day of _____, 19__, 12:01 a.m., standard time at the address of the Principal as stated herein and shall continue in force until terminated as hereinafter provided. The Principal or the Surety may at any time terminate this bond by written notice to the Civil Aeronautics Board at its office in Washington, D.C., such termination to become effective thirty (30) days after actual receipt of said notice by the Board. The Surety shall not be liable hereunder for the payment of any of the damages hereinbefore described which arise as the result of any contracts, agreements, undertakings, or arrangements made by the Principal for the supplying of transportation and other services after the termination of this bond as herein provided, but such termination shall not affect the liability of the Surety hereunder for the payment of any such damages arising as the result of contracts, agreements, or arrangements made by the Principal for the supplying of transportation and other services prior to the date such termination becomes effective. Liability of the Surety under this bond shall in all events be limited only to a tour participant or tour participants who shall within sixty (60) days after the termination of the particular tour described herein give written notice of claim to the tour operator or, if he is unavailable, to the Surety, and all liability on this bond shall automatically terminate sixty (60) days after the termination date of the particular tour covered by this bond except for claims filed within the time provided herein.

13. Add Appendix B, Post-Tour Report.

APPENDIX B

POST-TOUR REPORT

IT No. _____.

1. Number of tours operated _____.
2. Number of tours not operated _____.
3. Specifically identify those tours not operated.
4. Reason(s) tour(s) not operated.
5. If tour(s) not operated, did prospective tour participants receive full refunds?
6. Whether tour(s) actually performed were operated substantially different (e.g., dates, points served, tour price, etc.), from their description in the Tour Prospectus and, if so, the reasons therefor.
7. Total number of tour participants carried on tour(s) _____.

_____
Signature of direct air carrier

_____
Signature of tour operator or foreign tour operator

PART 378a—BULK INCLUSIVE TOURS BY TOUR OPERATORS

14. Amend § 378a.10 to read as follows:

§ 378a.10 Procedure.

No bulk inclusive tour or series of tours shall be operated, nor shall any tour operator or foreign tour operator sell or offer to sell, solicit, or advertise such tour or tours, unless there is on file with the Board the form of contract in duplicate between the tour operator or foreign tour operator and tour participants, the tour operator's or foreign tour operator's surety bond (an original of the bond and a copy thereof), and, where applicable, two copies of the depository agreement with a bank as provided in § 378a.13(b)(2). These documents shall be filed at least 60 days before commencement of the tour or tours and late filing will not be permitted except for good cause shown.

15. Amend § 378a.13 (c) and (d) to read as follows:

§ 378a.13 Surety bond.

* * * * *

(c) The bond required under paragraphs (a) and (b)(1) of this section shall insure the financial responsibility of the tour operator or foreign tour operator and the supplying of the transportation and all other accommodations, services, and facilities in accordance with the contract between the tour operator or foreign tour operator and the tour participants, and shall be in the form set forth in the appendix to this Part 378a.[12] Such bond shall be issued by a bonding or surety company whose surety bonds are accepted by the Interstate Commerce Commissions under 49 CFR 1084.6, and which is listed in Best's Insurance Reports (Fire and Casualty) with a general policyholders' rating of "A" or better. The bonding or surety company shall be one legally authorized to issue bonds of that type in the State in which the tour originates. For purposes of this section, the term "State" includes any territory or possession of the United States, or the District of Columbia. The bond shall be specifically identified by the issuing surety with a company bond numbering system so that the Board may identify the bond with the specific tour or tours to which it relates. It shall be effective on or before the date the Tour Prospectus is filed with the Board. If the bond does not comply with the requirements of this section, or for any reason fails to provide satisfactory or adequate protection for the public, the Board will notify the direct air carrier and the tour operator or foreign tour operator, by registered or certified mail, stating the deficiencies of the bond. Unless such deficiencies are corrected within the time set forth in such notification, the subject tour or tours shall in no event be operated.

(d) The bond required by this section shall provide that unless the tour participant files a claim with the tour operator or foreign tour operator, or if he is unavailable, with the surety, within sixty (60) days after completion of the tour, the surety shall be released from all liability under the bond to such tour participant. The contract between the tour operator or foreign tour operator and the tour participant shall contain notice of this provision.

16. Amend § 378a.14 to read in part as follows:

§ 378a.14 Contract between tour operators or foreign tour operators and tour participants.

Where each participant in a tour receives the same accommodations, land tours, etc., the contract between the tour operator or foreign tour operator and the tour participants shall be the same. Contracts between tour operators or foreign tour operators and tour participants shall include provisions specifically stating:

(a) * * *

(1) The procedure for obtaining trip-liability insurance and the cost to the individual tour participant;

(b) The right to refunds in the event of the tour's cancellation and the procedure for obtaining such refunds;

(1) The right to refunds in the event of the passenger's change of plans and the procedure for obtaining such refunds;

(2) The right to refunds in the event of change in itinerary and the procedure for obtaining such refunds;

(c) The dollar amounts of the carriers' liability limitations for passengers' baggage, as set forth in the carriers' tariffs;

[12] Filed as appendix to original issuance (SPR-32).

(d) The name and address of the surety company issuing the surety bond and the dollar amount of the bond;

(e) That the tour operator is the principal and is responsible to the participants in making the arrangements for all tour services and accommodations offered as constituting the tour;

(f) That unless the tour participant files a claim with the tour operator or foreign tour operator, or, if he is unavailable, with the surety, within sixty (60) days after completion of the tour, the surety shall be released from all liability under the bond to such tour participant (see § 378a.13(d));

(g) That when the combined surety bond/depository agreement, as provided in § 378a.13(b) is used in connection with the tour program, all checks and money orders must be made payable to the escrow account at the depository bank (identify bank). Such a statement must be placed in all solicitation material, reservation coupons, etc.

17. Amend the appendix to Part 378a in the following respects:

TOUR OPERATOR'S SURETY BOND UNDER PART 378a OF THE SPECIAL REGULATIONS OF THE CIVIL AERONAUTICS BOARD (14 CFR PART 378a)

* * * * *

The liability of the Surety shall not be discharged * * *

The bond shall cover the following tours:

Surety company's bond No.	Date of flight departure	Place of flight departure

This bond is effective the _____ day of _____, 19__, 12:01 a.m., standard time at the address of the Principal as stated herein and shall continue in force until terminated as hereinafter provided. The Principal or the Surety may at any time terminate this bond by written notices to the Civil Aeronautics Board at its office in Washington, D.C., such termination to become effective thirty (30) days after actual receipt of said notice by the Board. The Surety shall not be liable hereunder for the payment of any of the damages hereinbefore described which arise as the result of any contracts, agreements, undertakings, or arrangements made by the Principal for the supplying of transportation and other services after the termination of this bond as herein provided, but such termination shall not affect the liability of the Surety hereunder for the payment of any such damages arising as the result of contracts, agreements, or arrangements made by the Principal for the supplying of transportation and other services prior to the date such termination becomes effective. Liability of the Surety under this bond shall in all events be limited only to a tour participant or tour participants who shall within sixty (60) days after the termination of the particular tour described herein give written notice of claim to the tour operator, or, if he is unavailable, to the surety, and all liability on this bond shall automatically terminate sixty (60) days after the termination date of the particular tour covered by this bond except for claims filed within the time provided herein.

* * * * *

[FR Doc.71-15856 Filed 10-29-71;8:50 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1048]

[MC-C-6829]

GREYHOUND LINES

Limitation of Free Baggage Allowance; Petition for Investigation

Order. At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 5th day of October 1971.

It appearing, that by petition filed April 27, 1970, Lincoln Smith sought the institution of an investigation proceeding for the purpose of investigating the limitation of free baggage allowance, which petition was published in the FEDERAL REGISTER of May 27, 1970, wherein a proceeding was instituted and provision was made for the filing of representations by any person or persons supporting or opposing the relief sought;

It further appearing, that the National Bus Traffic Association, Inc., filed the only representation, that being in opposition to the relief sought by petitioner;

And it further appearing, that investigation of the matters and things involved in this proceeding has been made and that the Commission has made and filed an interim report herein containing its findings of fact and tentative conclusions thereon, which interim report is hereby referred to and made a part hereof: [1]

It is ordered, That additional written statements of facts, views, and arguments respecting the tentative conclusions reached in the said interim report, the rules and regulations proposed therein, and any other pertinent matter, are hereby invited to be submitted by any interested person, whether or not such person is already a party to this proceeding, pursuant to the filing schedule set forth below.

It is further ordered, That a notice of the rules and regulations proposed in the said interim report will be published in the FEDERAL REGISTER and any person not already a party to this proceeding and intending to participate therein for the first time shall notify this Commission, by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, within 30 days after the date of publication in the FEDERAL REGISTER, the original and one copy of a statement of his intention to participate; and that this Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be served.

It is further ordered, That initial statements of facts, views, and arguments in response to the said interim report, and replies to these statements, may be filed in accordance with filing dates to be hereinafter fixed in the said FEDERAL REGISTER publication.

[1] Filed as part of the original document.

And it is further ordered, That the petition in all other respects be, and it is hereby, denied.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

PROPOSED RULES FOR NOTICE OF AND PROCEDURES FOR BAGGAGE EXCESS VALUE DECLARATION

(To be added to Subchapter A of Chapter X of Title 49 CFR)

Sec.

Notice of passenger's ability to declare excess value on baggage.

Baggage excess value declaration procedures.

§ Notice of passenger's ability to declare excess value on baggage.

(a) All motor common carriers of passengers and baggage subject to Part II of the Interstate Commerce Act, which provide in their tariffs for the declaration of baggage value in excess of a free baggage allowance limitation, shall provide clear and adequate notice to the public of the opportunity to declare such excess value on baggage.

(b) The notice referred to in paragraph (a) of this section shall be in large and clear print, and shall state as follows:

NOTICE—BAGGAGE LIABILITY

This motor carrier is not liable for loss or damage to baggage in an amount exceeding $_____. If a passenger desires additional coverage for the value of his baggage he may, upon checking his baggage, declare that his baggage has a value in excess of the above limitation and pay a charge as follows:

The statement of charges for excess value declaration shall be clear, and any other pertinent provisions may be added at the bottom in clear and readable print.

(c) The notice referred to in paragraphs (a) and (b) of this section shall be (i) placed in a position near the ticket seller, sufficiently conspicuous to apprise the public of its provisions, (ii) placed on a form to be attached to each ticket issued and the ticket seller shall, where possible, provide oral notice to each ticket purchaser to read the form attached to the ticket, and (iii) placed in a position near the bus entrance, sufficiently conspicuous to apprise each boarding passenger of the provisions of the said notice.

§ Baggage excess value declaration procedures.

All motor common carriers of passengers and baggage subject to Part II of the Interstate Commerce Act, which provide in their tariffs for the declaration of baggage value in excess of a free baggage allowance limitation, shall provide for the declaration of excess value on baggage at any time or place where provision is made for baggage checking, including (i) at a baggage checking counter until 15 minutes before scheduled boarding time, and (ii) at the side of the bus during boarding at a terminal or any authorized service point.

[FR Doc.71-15864 Filed 10-29-71;8:49 am]

Notices

DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circular, Public Debt Series—No. 11–71]

6 PERCENT TREASURY NOTES OF SERIES B–1978

Offering of Notes

OCTOBER 28, 1971.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers notes of the United States, designated 6 percent Treasury Notes of Series B–1978, at 99.75 percent of their face value, in exchange for the following securities, singly or in combinations aggregating $1,000 or multiples thereof:

(1) 3⅞ percent Treasury Bonds of 1971, dated May 15, 1962, due November 15, 1971;

(2) 5⅜ percent Treasury Notes of Series B–1971, dated November 15, 1966, due November 15, 1971;

(3) 7¾ percent Treasury Notes of Series G–1971, dated May 15, 1970, due November 15, 1971;

(4) 4¾ percent Treasury Notes of Series B–1972, dated May 15, 1967, due May 15, 1972, with a cash payment of $0.13322 per $1,000 to the United States;

(5) 6¾ percent Treasury Notes of Series D–1972, dated November 16, 1970, due May 15, 1972, with a cash payment of $9.61515 per $1,000 to subscribers;

(6) 4 percent Treasury Bonds of 1972, dated September 15, 1962, due August 15, 1972, with a cash payment of $5.89353 per $1,000 to the United States; or

(7) 5 percent Treasury Notes of Series E–1972, dated May 15, 1971, due August 15, 1972, with a cash payment of $1.36700 per $1,000 to subscribers.

Interest will be adjusted on the securities due in 1972 as of November 15, 1971. Payments on account of accrued interest and cash adjustments will be made as set forth in section IV hereof. The amount of this offering will be limited to the amount of eligible securities tendered in exchange. The books will be open until 8 p.m., local time, November 3, 1971, for the receipt of subscriptions.

2. In addition, holders of the securities enumerated in paragraph 1 of this section are offered the privilege of exchanging all or any part of them for 6⅛ percent Treasury Bonds of 1986, which offering is set forth in Department Circular, Public Debt Series—No. 12–71, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes will be dated November 15, 1971, and will bear interest from that date at the rate of 6 percent per annum, payable semi-annually on May 15 and November 15 in each year until the principal amount becomes payable. They will mature November 15, 1978, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject, to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1 million. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing U.S. notes.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Department of the Treasury are authorized to act as official agencies.

2. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, and to allot less than the amount of notes applied for when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, all subscriptions will be allotted in full.

IV. *Payment.* 1. Payment for the face amount of notes allotted hereunder must be made on or before November 15, 1971, or on later allotment, and may be made only in a like face amount of securities of the issues enumerated in paragraph 1 of section I hereof, which should accompany the subscription. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. Payments due to subscribers will be made by check or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District, following acceptance of the securities surrendered. In the case of registered securities, the payment will be made in accordance with the assignments thereon.

2. 3⅞ percent bonds of 1971, 3⅜ percent notes of Series B–1971 and 7¾ percent notes of Series G–1971. When payment is made with securities in bearer form, coupons dated November 15, 1971, should be detached and cashed when due.[1] A cash payment of $2.50 per $1,000 on account of the issue price of the new notes will be made to subscribers.

3. 4¾ percent notes of Series B–1972. When payment is made with notes in bearer form, coupons dated May 15, 1972, must be attached (November 15, 1971, coupons should be detached[1]) to the notes when surrendered. The payment on account of the issue price of the new notes ($2.50 per $1,000) will be credited, the payment due the United States ($0.13322 per $1,000) will be charged, and the difference ($2.36678 per $1,000) will be paid to subscribers.

4. 6¾ percent notes of Series D–1972. When payment is made with notes in bearer form, coupons dated May 15, 1972, must be attached (November 15, 1971, coupons should be detached[1]) to the notes when surrendered. The payment on account of the issue price of the new notes ($2.50 per $1,000) plus the cash payment of $9.61515 per $1,000, a total of $12.11515 per $1,000, will be paid to subscribers.

5. Four percent bonds of August 15, 1972. When payment is made with bonds in bearer form, coupons dated February 15 and August 15, 1972, must be attached to the bonds when surrendered. Accrued interest from August 15 to November 15, 1971 ($10 per $1,000) plus the payment on account of the issue price of the new notes ($2.50 per $1,000) will be credited, the payment due the United States ($5.89353 per $1,000) will be charged, and the difference ($6.60647 per $1,000) will be paid to subscribers.

6. Five percent notes of Series E–1972. When payment is made with notes in bearer form, coupons dated February 15 and August 15, 1972, must be attached to the notes when surrendered. Accrued interest from August 15 to November 15, 1971 ($12.50 per $1,000), the payment on account of the issue price of the new notes ($2.50 per $1,000) and the cash payment ($1.36700 per $1,000), a total of $16.36700 per $1,000, will be paid to subscribers.

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[1] Interest due on Nov. 15, 1971, on registered securities will be paid by issue of interest checks in regular course to holders of record on Oct. 15, 1971, the date the transfer books closed.

V. *Assignment of registered securities.* 1. Registered securities tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Department of the Treasury governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The securities must be delivered at the expense and risk of the holder. If the notes are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 6 percent Treasury Notes of Series B–1978"; if the notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 6 percent Treasury Notes of Series B–1978 in the name of _____"; if notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 6 percent Treasury Notes of Series B–1978 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN B. CONNALLY,
Secretary of the Treasury.

[FR Doc.71–15963 Filed 10–29–71;10:03 am]

[Dept. Circular Public Debt Series—No. 12–71]

6⅛ PERCENT TREASURY BONDS OF 1986

Offering of Bonds

OCTOBER 28, 1971.

I. *Offering of bonds.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers bonds of the United States, designated 6⅛ percent Treasury Bonds of 1986, at 99.75 percent of their face value, in exchange for the following securities, singly or in combinations aggregating $1,000 or multiples thereof:

(1) 3⅞ percent Treasury Bonds of 1971, dated May 15, 1962, due November 15, 1971;

(2) 5⅜ percent Treasury Notes of Series B–1971, dated November 15, 1966, due November 15, 1971;

(3) 7¾ percent Treasury Notes of Series G–1971, dated May 15, 1970, due November 15, 1971;

(4) 4¾ percent Treasury Notes of Series B–1972, dated May 15, 1967, due May 15, 1972, with a cash payment of $1.13322 per $1,000 to the United States;

(5) 6¾ percent Treasury Notes of Series D–1972, dated November 16, 1970, due May 15, 1972, with a cash payment of $8.61515 per $1,000 to subscribers;

(6) 4 percent Treasury Bonds of 1972, dated September 15, 1962, due August 15, 1972, with a cash payment of $6.89353 per $1,000 to the United States; or

(7) 5 percent Treasury Notes of Series E–1972, dated May 15, 1971, due August 15, 1972, with a cash payment of $0.36700 per $1,000 to subscribers.

Interest will be adjusted on the securities due in 1972 as of November 15, 1971. Payments on account of accrued interest and cash adjustments will be made as set forth in section IV hereof. In addition, the Secretary of the Treasury offers the bonds to natural persons in their own right for cash, not to exceed $10,000 to any one person. The books will be open until 8 p.m., local time, November 3, 1971, for the receipt of subscriptions.

2. In addition, holders of the securities enumerated in paragraph 1 of this section are offered the privilege of exchanging all or any part of them for 6 percent Treasury Notes of Series B–1978, which offering is set forth in Department Circular, Public Debt Series No. 11–71, issued simultaneously with this circular.

II. *Description of bonds.* 1. The bonds will be dated November 15, 1971, and will bear interest from that date at the rate of 6⅛ percent per annum, payable semiannually on May 15 and November 15 in each year until the principal amount becomes payable. They will mature November 15, 1986, and will not be subject to call for redemption prior to maturity.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1 million. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing U.S. bonds.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Only the Federal Reserve Banks and the Department of the Treasury are authorized to act as official agencies. Banking institutions generally may submit subscriptions for account of customers, provided the names of customers subscribing for cash are set forth in such subscriptions. Others than banking institutions will not be permitted to enter cash subscriptions except for their own account.

2. Cash subscriptions, which may not exceed $10,000 from any one person, must be accompanied by payment of 10 percent of the face amount of bonds applied for.

3. Banking institutions in submitting cash subscriptions for customers will be required to certify that they have no beneficial interest in any such subscriptions.

4. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, and to allot less than the amount of bonds applied for when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, all subscriptions will be allotted in full.

IV. *Payment.* 1. Payment for the face amount of bonds allotted hereunder in exchange for securities of the issues enumerated in paragraph 1 of section I hereof, must be made on or before November 15, 1971, or on later allotment, and may be made only in a like face amount of such securities, which should accompany the subscription. On cash subscriptions payment at 99.75 percent of their face value and accrued interest, if any, for bonds allotted hereunder, must be completed on or before November 15, 1971, in cash or other funds fully collectible by that date. In every case where full payment is not completed, the payment with the application up to 10 percent of the amount of bonds allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Payment will not be deemed to have been completed where registered bonds are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. Payments due to subscribers will be made by check or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District, following acceptance of the securities surrendered. In the case of registered securities, the payment will be made in accordance with the assignments thereon.

2. 3⅞ percent bonds of 1971, 5⅜ percent notes of Series B–1971 and 7¾ percent notes of Series G–1971. When payment is made with securities in bearer form, coupons dated November 15, 1971, should be detached and cashed when due.[1] A cash payment of $2.50 per $1,000 on account of the issue price of the new bonds will be made to subscribers.

3. 4¾ percent notes of Series B–1972. When payment is made with notes in bearer form, coupons dated May 15, 1972, must be attached (November 15, 1971, coupons should be detached[1]) to the notes when surrendered. The payment on account of the issue price of the new bonds ($2.50 per $1,000) will be credited, the cash payment due the United States ($1.13322 per $1,000) will be charged, and the difference ($1.36678 per $1,000) will be paid to subscribers.

4. 6¾ percent notes of Series D–1972. When payment is made with notes in bearer form, coupons dated May 15, 1972, much be attached (November 15, 1971, coupons should be detached[1]) to the notes when surrendered. The payment on account of the issue price of the new bonds ($2.50 per $1,000) plus the cash payment of $3.61515 per $1,000, a total of $11.11515 per $1,000, will be paid to subscribers.

5. 4 percent bonds of August 15, 1972. When payment is made with bonds in bearer form, coupons dated February 15 and August 15, 1972, must be attached to the bonds when surrendered. Accrued interest from August 15 to November 15, 1971 ($10.00 per $1,000) plus the payment on account of the issue price of the new bonds ($2.50 per $1,000) will be credited, the payment ($6.89353 per $1,000) due the United States will be charged, and the difference ($5.60647 per $1,000) will be paid to subscribers.

6. 5 percent notes of Series E–1972. When payment is made with notes in bearer form, coupons dated February 15 and August 15, 1972, must be attached to the notes when surrendered. Accrued interest from August 15 to November 15, 1971 ($12.50 per $1,000), the payment on account of the issue price of the new bonds ($2.50 per $1,000) and the cash payment ($0.36700 per $1,000), a total of $15.36700 per $1,000, will be paid to subscribers.

V. *Assignment of registered securities.* 1. Registered securities tendered in payment for bonds offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Department of the Treasury governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The securities must be delivered at the expense and risk of the holder. If the bonds are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 6⅛ percent Treasury Bonds of 1986"; if the bonds are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 6⅛ percent Treasury Bonds of 1986 in the name of _____"; if bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 6⅛ percent Treasury Bonds of 1986 in coupon form to be delivered to _____".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN B. CONNALLY,
Secretary of the Treasury.

[FR Doc.71-15964 Filed 10-29-71;10:04 am]

[1] Interest due on Nov. 15, 1971, on registered securities will be paid by issue of interest checks in regular course to holders of record on Oct. 15, 1971, the date the transfer books closed.

DEPARTMENT OF JUSTICE

Office of the Attorney General

[Order No. 470-71]

VOTING RIGHTS

Appointment of Federal Examiners and Observers to Yazoo County, Miss.

Certificate of the Attorney General pursuant to section 6 of the Voting Rights Act of 1965 (Public Law 89-110).

In accordance with section 6 of the Voting Rights Act of 1965, I hereby certify that in my judgment the appointment of examiners is necessary to enforce the guarantees of the 15th Amendment to the Constitution of the United States in Yazoo County, Miss. This county is included within the scope of the determinations of the Attorney General and the Director of the Census made on August 6, 1965, under section 4(b) of the Voting Rights Act of 1965 and published in the FEDERAL REGISTER on August 7, 1965 (30 F.R. 9897).

JOHN N. MITCHELL,
Attorney General of the United States.

OCTOBER 28, 1971.

[FR Doc.71-15962 Filed 10-29-71;10:03 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

GRAIN STANDARDS

Chattanooga, Tenn., Grain Inspection Point

Statement of considerations. The Chattanooga Chamber of Commerce, Chattanooga, Tenn., which operates the official grain inspection agency at Chattanooga, has proposed that its designation under the U.S. Grain Standards Act as the official grain inspection agency at Chattanooga be transferred.

George E. Butler, Chattanooga, Tenn., has applied for designation (in accordance with § 26.97 of the regulations (7 CFR 26.97) under the U.S. Grain Standards Act) to operate the official grain inspection agency at Chattanooga, Tenn. This application does not preclude other interested agencies and persons from making similar applications.

Other interested parties are hereby given opportunity to make application for designation to operate an official inspection agency at Chattanooga, Tenn., according to the requirements in § 26.97 of the regulations (7 CFR 26.97) under the U.S. Grain Standards Act. NOTE: Section 7(f) of the Act (7 U.S.C. 79(f)) provides that not more than one inspection agency shall be operative at any one time for any one city, town, or other area.

Members of the grain industry who wish to submit views and comments are requested to include the name of the person or agency which they recommend to be designated to operate an official inspection agency at Chattanooga, Tenn.

Opportunity is hereby afforded interested parties to submit written data, views, or arguments with respect to the requests to the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250. All written submissions should be in duplicate and should be mailed to the Hearing Clerk not later than 30 days after this notice is published in the FEDERAL REGISTER. All submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). Consideration will be given to the written data, views, or arguments received by the Hearing Clerk and to other information available to the U.S. Department of Agriculture before final determination is made with respect to the requests.

Done in Washington, D.C., this 26th day of October 1971.

G. R. GRANGER,
Deputy Administrator, Marketing Services.

[FR Doc.71-15825 Filed 10-29-71;8:47 am]

Foreign Agricultural Service

IMPORT QUOTAS

Adjustments of Certain Section 22 Country Quotas for Calendar Year 1971

In accordance with headnote 3(a) (iv) of Part 3 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202), hereinafter referred to as TSUS, whenever the Secretary of Agriculture determines that the "Quota Quantity" of an article, for which licenses are required by said part, is not likely to be entered within any calendar year from any country of origin specified therefor, he may provide with respect to such article for the adjustment for that calendar year, within the aggregate quantity of such article permitted to be entered from all countries during such calendar year, of the quantities of such article which may be entered during such year from particular countries of origin.

Information has been received that due to drouth, pesticide residue, and other causes, the quota quantity of certain of such articles is not likely to be imported from some specified countries of origin during the calendar year 1971. Notice is hereby given that, pursuant to said headnote 3(a) (iv) and § 6.30 (a) of Import Regulation 1, Revision 5, as amended (7 CFR 6.30(a)), consideration will be given to the adjustment of such quotas and the transfer of the quota shares of persons holding licenses for the importation of any such article from countries of origin specified in such licenses to other countries specified in Part 3 of the Appendix to the TSUS as countries of origin for such article, upon the submission of information by the licensee accompanied by proof, satisfactory to the Administrator, or his designee, that said licensee has been unable to obtain his quota quantity of such article from the country of origin specified in his license due to lack of supply of such article in such country in such condition as to permit its importation into the United States.

To the extent it is determined that quantities of such articles are not likely to be entered from any particular country of origin during the calendar year 1971, the quota for such country will be reduced for such article for such year and the quotas for such other countries of origin for such article shall be increased for such year. In making such adjustment due account shall be given to the proportion of such articles supplied by such other countries of origin during the respective representative periods and to any special factors which may have affected or may be affecting the trade in the articles concerned.

Information concerning inability to import from particular countries of origin should be sent to the Chief, Import Branch, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250.

Issued at Washington, D.C., this 28th day of October 1971.

RAYMOND A. IOANES,
Administrator,
Foreign Agricultural Service.

[FR Doc.71-15926 Filed 10-29-71;8:51 am]

DEPARTMENT OF TRANSPORTATION

U.S. Coast Guard

[CGFR 71-115]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described for the period of March 29, 1971 (List No. 10-71). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

For motorboats of classes A, 1, or 2 not carrying passengers for hire.

The Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines, IA 50317, no longer manufactures certain kapok buoyant vests and Approvals Nos. 160.047/303/0, 160.047/304/0, and 160.047/305/0 were therefore terminated effective March 29, 1971.

The Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines, IA 50317, no longer manufactures certain kapok buoyant vests for the Hawkeye Sporting Goods Co., Box 613, Des Moines, IA 50303, and Approvals Nos. 160.047/306/0, 160.047/307/0, and 160.047/308/0 were therefore terminated effective March 29, 1971.

BUOYANT CUSHIONS, KAPOK, OR FIBROUS GLASS

For motorboats of classes A, 1, or 2 not carrying passengers for hire.

The Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines, IA 50317, no longer manufactures certain kapok buoyant cushions and Approvals Nos. 160.048/7/0 and 160.048/9/1 were therefore terminated effective March 29, 1971.

The Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines, IA 50317, no longer manufactures certain kapok buoyant cushions for the Hawkeye Sporting Goods Co., Post Office Box 613, Des Moines, IA 50303 and Approvals Nos. 160.048/8/0 and 160.048/10/0 were therefore terminated effective March 29, 1971.

The Parkway Manufacturing Co., subsidiary of Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, VA 23212 and 12th and Graham Streets, Emporia, KS 66801, no longer manufactures certain kapok buoyant cushions and Approval No. 160.048/222/0 was therefore terminated effective March 29, 1971.

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

NOTE: Approved for use on motorboats of classes A, 1, or 2 not carrying passengers for hire.

The Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines, IA 50317, no longer manufactures certain unicellular plastic foam buoyant cushions and Approval No. 160.049/4/0 was therefore terminated effective March 29, 1971.

The Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines, IA 50317, no longer manufactures certain unicellular plastic foam buoyant cushions for the Hawkeye Sporting Goods Co., Post Office Box 613, Des Moines, IA 50303, and Approval No. 160.049/9/0 was therefore terminated effective March 29, 1971.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

NOTE: For motorboats of classes A, 1, or 2 not carrying passengers for hire.

The Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines, IA 50317, no longer manufactures certain unicellular plastic foam buoyant vests and Approvals Nos. 160.052/1/0, 160.052/2/0, 160.052/3/0, 160.052/243/1, 160.052/244/1, 160.052/245/1, 160.052/319/0, 160.052/320/0, and 160.052/321/0 were therefore terminated effective March 29, 1971.

The Iowa Fibre Products, Inc., 2425 Dean Avenue, Des Moines, IA 50317, no longer manufactures certain unicellular plastic foam buoyant vests for the Hawkeye Sporting Goods Co., Post Office Box 613, Des Moines, IA 50303, and Approvals Nos. 160.052/4/0, 160.052/5/0,

160.052/6/0, 160.052/270/0, 160.052/271/0, and 160.052/272/0 were therefore terminated effective March 29, 1971.

Dated: October 19, 1971.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.71-15865 Filed 10-29-71;8:50 am]

[CGFR 71-116]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from March 17, 1971, to March 26, 1971 (List No. 9-71). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS, FOR MERCHANT VESSELS

Approval No. 160.011/1/3, MSA One-Man Combination Hose Mask, supplied-air respirator; Part No. 457140 with centrifugal blower and One-Man Combination Hose Mask with displacement blower, Part No. 457141; both with MSA Ultra-Vue Facepiece and Cleartone speaking diaphragm facepiece; Bureau of Mines Approval No. 1905A, dwg. Nos. A1129-1, revision 13 dated June 17, 1968; B-84062, revision 10 dated August 28, 1970, B-84011, revision 10 dated August 28, 1970; B-84063, revision 10 dated August 28, 1970; B-84012, revision 9 dated August 28, 1970; A-96680 dated February 21, 1965, manufactured by Mine Safety Appliances Co., 201 North Braddock Avenue, Pittsburgh, PA 15208, effective March 24, 1971. (It supersedes Approval No. 160.011/1/2 dated January 3, 1966, to show changes in reference drawings.)

Approval No. 160.011/2/3, MSA Two-Man Combination Hose Mask with displacement blower Part No. 457143 and Two-Man Combination Hose Mask with centrifugal blower Part No. 457142, with Ultra-Vue Facepiece which may be used with Cleartone speaking diaphragm facepiece assembly Part No. 48526, Bureau of Mines Approval No. 1905A, dwg. Nos. A1129-1, revision 13 dated June 17, 1968; B-84062, revision 10 dated August 28, 1970; B-84011, revision 10 dated August 28, 1970; B-84063, revision 10 dated August 28, 1970; B-84012, revision 9 dated August 28, 1970, and dwg. No. A-96680 dated February 21, 1965, manufactured by Mine Safety Appliances Co., 201 North Braddock Avenue, Pittsburgh, PA 15208, effective March 24, 1971. (It supersedes Approval No. 160.011/2/2 dated January 3, 1966, to show changes in reference drawings.)

LINE-THROWING APPLIANCE, SHOULDER GUN-TYPE (AND EQUIPMENT), FOR MERCHANT VESSELS

Approval No. 160.031/6/1, Bridger Model No. 7094, shoulder gun-type line-throwing appliance, assembly drawings Nos. NC-3 dated March 11, 1967, revised October 25, 1970, and NC-2 dated January 8, 1968, manufactured by Naval Co., Doylestown, Pa. 18901, effective March 25, 1971. (It supersedes Approval No. 160.031/6/0 dated February 13, 1968.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

NOTE: For motorboats of classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.052/359/0, Type II, Model No. 521-UV-15.5, adult unicellular plastic foam buoyant vest, assembly dwg. No. 68F1834, Revision B dated March 11, 1971, pattern dwg. No. 68F1833 dated February 8, 1968, and bill of materials dated January 12, 1968, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective March 25, 1971. (It supersedes Approval No. 160.052/359/0 dated February 26, 1968.)

Approval No. 160.052/360/0, Type II, Model No. 522-UV-11, child medium unicellular plastic foam buoyant vest, assembly dwg. No. 68F1834, Revision B dated March 11, 1971, pattern dwg. No. 68F1833 dated February 8, 1968, and bill of materials dated January 15, 1968, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective March 25, 1971. (It supersedes Approval No. 160.052/360/0 dated February 26, 1968.)

Approval No. 160.052/361/0, Type II, Model No. 523-UV-7, child small unicellular plastic foam buoyant vest, assembly dwg. No. 68F1834, Revision B dated March 11, 1971, pattern dwg. No. 68F1833 dated February 8, 1968, and bill of materials dated January 15, 1968, manufactured by Gentex Corp., Carbondale, Pa. 18407, effective March 25, 1971. (It supersedes Approval No. 160.052/361/0 dated February 26, 1968.)

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/27/0, cloth covered unicellular plastic foam work vest as per USCG Specification Subpart 160.-053, and dwgs. Nos. 1-CGA and 2-CGA dated November 4, 1970, manufactured by Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237, effective March 22, 1971.

TELEPHONE SYSTEMS, SOUND-POWERED

Approval No. 161.005/4/5, sound-powered telephone station relay for operation with hand generator, non-locking, splashproof, dwg. 60-162, alt. 10 dated January 25, 1971, for connecting in parallel with hand generator bell on machinery space sound-powered telephone station to operate separately powered audible signal, manufactured by Henschel Corp., Amesbury, Mass. 01913, effective March 26, 1971. (It supersedes Approval No. 161.005/4/4 dated May 22, 1970.)

Approval No. 161.005/5/5, sound-powered telephone station relay for operating with hand generator, locking, splashproof, dwg. No. 60-164, alt. 7 dated January 25, 1971, for connecting in parallel with hand generator bell on machinery space sound-powered telephone stations to operate separate powered audible signal, manufactured by Henschel Corp., Amesbury, Mass. 01913, effective March 26, 1971. (It supersedes Approval No. 161.005/5/4 dated October 22, 1969.)

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/11/2, Barbron backfire flame arrester, part No. 3823B, brass element, cover, and base, also part No. 3823A, having brass element, anodized aluminum base and cover, formerly series 400-13, part No. A5344, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, MI 48227, effective March 17, 1971. (It supersedes Approval No. 162.041/11/1 dated August 28, 1970, to show model with the baffle, part No. 5518, removed.)

Dated: October 19, 1971.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.71-15330 Filed 10-29-71;8:47 am]

[CGFR 71-117]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats

and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from February 23, 1971, to March 23, 1971 (List No. 8–71). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75–1 to 2.75–50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

LINE-THROWING APPLIANCE, SHOULDER GUN-TYPE (AND EQUIPMENT), FOR MERCHANT VESSELS

The Naval Co., Old Easton Highway, Boylestown, Pa. 18901, Approval No. 160.031/4/0 expired and was terminated effective February 23, 1971.

BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

For motorboats of classes A, 1, or 2 not carrying passengers for hire.

The Seaway, Post Office Box 49, Fairfield, CA 94534, no longer manufactures certain kapok buoyant vests and Approvals Nos. 160.047/580/0, 160.047/581/0, and 160.047/582/0 were therefore terminated effective March 23, 1971.

BUOYANT CUSHIONS, KAPOK, OR FIBROUS GLASS

For motorboats of classes A, 1, or 2 not carrying passengers for hire.

The Seaway, Post Office Box 49, Fairfield, CA 94534, no longer manufactures certain kapok buoyant cushions and Approval No. 160.048/236/0 was therefore terminated effective March 23, 1971.

BUOYANT CUSHIONS, UNICELLULAR PLASTIC FOAM

Approved for use on motorboats of classes A, 1, or 2 not carrying passengers for hire.

The Seaway, Post Office Box 49, Fairfield, CA 94534, no longer manufactures certain unicellular plastic foam buoyant cushions and Approval No. 160.049/64/0 was therefore terminated effective March 23, 1971.

Dated: October 19, 1971.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.71–15831 Filed 10–29–71;8:48 am]

Federal Railroad Administration

[FRA-PETITION-No. 17]

ANGELINA & NECHES RIVER RAILROAD CO., ET AL.

Petition for Certain Named Carriers From Service Limitation

By joint petition filed October 22, 1971, the Angelina & Neches River Railroad Co., the Sandersville Railroad Co., the Tennessee Railroad Co., and the Wyandotte Southern Railroad Co. seek further exemption from the 14-hour limitation in Public Law 91–169.

The purpose of this notice is to inform the general public of the pendency of the joint petition and to invite comments or views. Such comments or views should be filed with the Docket Clerk, Office of Hearings and Proceedings, Federal Railroad Administration, RA–30, 400 Seventh Street, SW., Washington, DC 20590, on or before November 19, 1971.

Issued this 26th day of October 1971, in Washington, D.C.

ROBERT R. BOYD,
Director, Office of Hearings and Proceedings, and Hearing Examiner.

[FR Doc.71–15846 Filed 10–29–71;8:49 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50–250, 50–251]

FLORIDA POWER & LIGHT CO.

Notice of Consideration of Issuance of Facility Operating Licenses

The Atomic Energy Commission (the Commission) will consider the issuance of facility operating licenses to Florida Power & Light Co. which would authorize the licensee to possess, use and operate the Turkey Point Nuclear Generating Unit No. 3 and Unit No. 4 pressurized water reactors, on its site at Turkey Point, Dade County, Fla., at steady state power levels not to exceed 2,200 megawatts (thermal) in accordance with the provisions of the licenses and the Technical Specifications appended thereto, upon the submission of a favorable safety evaluation of the application by the Commission's Division of Reactor Licensing, the completion of the environmental review required by the Commission's regulations in 10 CFR Part 50, Appendix D, and a finding by the Commission that the application for the facility licenses (as amended) complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR Chapter 1. Construction of the Turkey Point facility was authorized by Provisional Construction Permit Nos. CPPR–27 and CPPR–28 issued by the Commission on April 27, 1967. A report on the applications by the Advisory Committee on Reactor Safeguards was submitted on June 18, 1971. Prior to issuance of the operating licenses, the units will be inspected by the Commission to determine whether they have been constructed in accordance with the applications, as amended, and the provisions of Provisional Construction Permit Nos. CPPR–27 and CPPR–28. In addition, the licenses will not be issued until the Commission has made the findings, reflecting its review of the application under the Atomic Energy Act of 1954, as amended, which will be set forth in the proposed licenses, and has concluded that the issuance of the licenses will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the licenses, Florida Power & Light Co. will be required to execute an indemnity agreement as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

In the event that construction has not been completed to permit full power operation, the Commission may issue facility operating licenses consistent with the level of construction completed to permit initial fuel loading and low power testing prior to the issuance of the full power licenses.

The Turkey Point Nuclear Generating Unit No. 3 and Unit No. 4 are subject to the provisions of Section E of Appendix D to 10 CFR Part 50, which sets forth procedures and criteria for determining, inter alia, whether construction should be suspended on facilities within specified categories pending completion of a supplemental review in implementation of the National Environmental Policy Act of 1969. No license will be issued in the instant proceeding in advance of or in conflict with the determination as to suspension vel non under said section E.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, Florida Power & Light Co. may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. In accordance with 10 CFR 2.714, a petition for leave to intervene which is not timely filed will be dismissed unless the petitioner shows good cause for failure to file it on time.

For further details with respect to the proposed facility licenses, see (1) the Florida Power & Light Co.'s application

for the facility licenses dated March 22, 1966, as amended; (2) the report of the Advisory Committee on Reactor Safeguards on the application for the Turkey Point facility; (3) applicant's Environmental Report and the AEC Regulatory staff's draft detailed statement on environmental considerations dated December 23, 1970, which had been prepared under the Commission's regulations in effect prior to September 9, 1971, and as they become available; (4) the proposed facility operating licenses; (5) the Technical Specifications which will be attached as Appendix A to the proposed facility operating licenses; (6) the safety evaluation prepared by the Division of Reactor Licensing; (7) the applicant's supplemental environmental reports; and (8) the AEC regulatory staff's draft and final detailed statements of environmental considerations pursuant to 10 CFR Part 50 Appendix D which are or will be available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of items (4), (6), and (8) may be obtained, when available, upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 26th day of October 1971.

For the Atomic Energy Commission.

FRANK SCHROEDER, JR.,
Deputy Director,
Division of Reactor Licensing.

[FR Doc.71-15835 Filed 10-29-71;8:48 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 21821, 21822; Order 71-10-119]

EASTERN AIR LINES, INC.

Order for Modification of Order 70-12-96

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of October 1971.

Application of Eastern Air Lines, Inc., for amendment of its certificate of public convenience and necessity or in the alternative for exemption authority pursuant to section 416(b) of the Federal Aviation Act of 1958, as amended, Docket No. 21821, and for permission to use the John R. Alison Municipal Airport at Gainesville, Fla., for serving Ocala, Fla., Docket No. 21822.

By Order 70-12-96, dated December 16, 1970, as modified by Order 71-3-128, dated March 23, 1971, Eastern Air Lines, Inc. (Eastern), was granted authority to suspend service temporarily at Ocala, pending a hearing on the issues of whether Eastern's authority at Ocala should be deleted or hyphenated with Gainesville. Eastern's suspension authority was conditioned on the continuation of air taxi service at a certain minimum level.[1]

On July 23, Eastern filed a motion requesting a modification of Order 70-12-96, to delete the condition (b) that a minimum level of two frequencies must be provided between Ocala and Miami.

No objections have been filed to Eastern's motions. An answer in support of Eastern's motion was filed by the Bureau of Operating Rights.

In Order 70-12-96, we set down for hearing certain applications[2] filed by Eastern for deletion of its service at Vero Beach and Ocala, Fla. By Order 71-10-120, issued contemporaneously herewith, we are severing the issue of Ocala's service from the consolidated proceeding and proposing to delete Eastern's authority at that point by show cause procedures. In view of the considerations set forth in that order we will also modify condition 9 of Order 70-12-96, to delete the requirement that two daily round trips between Ocala and Miami be provided.

Accordingly, it is ordered, That:

1. Order 70-12-96, dated December 16, 1970, be and it hereby is modified to delete condition 9.b; and

2. The authority granted herein may be amended or revoked at any time in the discretion of the Board without hearing.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-15852 Filed 10-29-71;8:47 am]

[Dockets Nos. 21884, 21822; Order No. 71-10-120]

EASTERN AIR LINES, INC.

Order Regarding Applications

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of October 1971.

Application of Eastern Air Lines, Inc., for permission to serve Vero Beach, Fla., through J. F. Kennedy Municipal Airport at Melbourne, Fla., Docket No. 21884, and for permission to use the John R. Alison Municipal Airport at Gainesville, Fla., for serving Ocala, Fla., Docket No. 21822.

By Order 70-12-96, dated December 16, 1970,[1] the Board in Dockets 21821 and 21822 authorized Eastern Air Lines, Inc. (Eastern), to suspend service temporarily at Ocala, Fla., subject to a requirement that a minimum level of air taxi service be provided at that point.[2] In addition, the Board set down for hearing, inter alia, the issues of whether Eastern's authority at Ocala should be deleted or whether Ocala and Gainesville should be designated as a hyphenated point in Eastern's certificate to be served through the Gainesville Airport.[3]

On July 19, 1971, Eastern filed a motion requesting the Board to sever the issue of service to Ocala from the subject proceeding and to issue a show cause order proposing to delete Ocala from Eastern's certificates for routes 6 and 10. In support of its motion Eastern has submitted a stipulation between Eastern and the city of Ocala whereby the city of Ocala withdraws its objections to deletion of Ocala and Eastern agrees to the dismissal, with prejudice, of its application to serve Ocala through the airport at Gainesville.

No objections have been filed to Eastern's motions.

The Bureau of Operating Rights filed an answer in support of Eastern's motions.

Upon consideration of the pleadings and all the relevant facts, we have decided to grant Eastern's motions and sever the issue of service at Ocala from the consolidated proceeding and issue an order to show cause proposing to amend Eastern's certificates so as to delete the intermediate point Ocala from routes 6 and 10.

We tentatively find and conclude that the public convenience and necessity require the foregoing certificate amendment.[4]

In support of our ultimate finding we tentatively conclude as follows: That since 1956 passenger originations at Ocala have never exceeded 11 passengers per day and in 1969 and 1970 there were approximately five passengers enplaned per departure at Ocala; that Ocala has access to certificated air service at the

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[1] a. Two daily round-trip flights between Ocala and Jacksonville;
b. Two daily round-trip flights between Ocala and Miami (except on weekends when one round-trip may be provided);
c. One daily round-trip flight between Ocala and Gainesville directly connecting with Eastern's jet service to and from the North.

[2] Dockets 21822 and 21884.

[1] As modified by Order 71-3-128 dated Mar. 23, 1971.

[2] "a. Two daily round-trip flights between Ocala and Jacksonville; b. Two daily round-trip flights between Ocala and Miami (except on weekends when one round trip may be provided); c. One daily round-trip flight between Ocala and Gainesville, directly connecting with Eastern's jet service to and from the North."

[3] By Order 71-3-9, dated Mar. 1, 1971, the Board consolidated Eastern's application in Docket 21884 to serve Vero Beach through the airport at Melborne with Eastern's application in Docket 21822 for a deletion at Ocala. A prehearing conference in this consolidated proceeding was held on July 7, 1971.

[4] We also find that the carrier is fit, willing, and able properly to perform the air transportation authorized herein and to conform to the provisions of the Federal Aviation Act and the Board's rules, regulations, and requirements thereunder.

nearby Gainesville Airport; [5] that there is available ground transportation between Ocala and other major Florida cities including Gainesville; [6] that Ocala presently receives service to Gainesville and Jacksonville from Florida Airlines, an air taxi operator; and that Eastern will realize substantial savings if its Ocala service is terminated.

Interested persons will be given 10 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets and to support such objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending the certificates of public convenience and necessity of Eastern Air Lines, Inc., for routes 6 and 10 so as to delete Ocala, Fla.;

2. Any interested person having objection to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 10 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections; [7]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein;

5. The motion of Eastern Air Lines, Inc., for severance of the issues respecting service at Ocala, Fla., Docket 21822, from the proceedings consolidated by Order 70–12–96 for hearing, be and it hereby is granted; and

6. This order shall be served upon the cities of Ocala, Vero Beach, and Gainesville, and the Gainesville Area Chamber of Commerce.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–15853 Filed 10–29–71;8:47 am]

[5] OAG, QRE dated July 1, 1971. Ocala is 38 miles and 45 minutes driving time over good highways from Gainesville.

[6] Greyhound presently operates eight daily departures between Ocala and Gainesville with an approximate driving time of 50 minutes at fares of $1.25 one way, and $2.25 round trip. There is also daily bus and train service between Ocala and Miami. Russell's Official National Motor Coach Guide, June 1971; and the Official Guide of the Railways, May 1971 edition.

[7] All motions and/or petitions for reconsideration shall be filed within the period for filing of objections, and no further such motions, requests, or petitions for reconsideration of this order will be entertained.

[Docket No. 23785, Amdt. 2; Order 71–10–121]

UNITED STATES AND FOREIGN AIR CARRIERS

Order Stabilizing Fares, Rates, and Charges

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 27th day of October 1971.

By Order 71–8–78 dated August 17, 1971, the Board issued its order stabilizing fares, rates, and charges for passengers and property, so as to assure the implementation of Executive Order 11615 with respect to air transportation. Thereafter, by Order 71–9–51 dated September 13, 1971, the Board issued Amendment No. 1 to its stabilization order to reflect subsequent economic stabilization regulations and rulings that (1) prices need not be established at levels less than those prevailing May 25, 1970, and (2) the period of the freeze imposed by the Executive order is deemed to expire November 13, 1971. Following the issuance of these orders, the Board by letter dated September 27, 1971, requested rulings by the Cost of Living Council concerning the application of the stabilization orders to air transportation between the United States and foreign countries. This letter is set forth in full in Attachment A hereto.

The Cost of Living Council has responded to the Board's inquiry by letter dated October 14, 1971, and that response is set forth in full in Attachment B. The Council ruled in substance that foreign air carrier rates are not subject to the freeze but that inbound and outbound rates of U.S. carriers are covered, except that they may be raised to reflect increased costs arising from currency revaluation; that when related services performed in foreign countries by U.S. airlines are part of a movement of traffic between the foreign countries and the United States, they are covered by the freeze; and that when rates charged by U.S. airlines between foreign points are a part of the movement of traffic between foreign countries and the United States, they are covered by the freeze.

In view of these rulings, further modification of Order 71–8–78 is required so that the Board's order as modified will comport with effective regulations implementing Executive Order 11615. As amended, the Board's stabilization order will no longer preclude increases per se in rates, fares, or charges by foreign air carriers and will create an exception to the freeze on rates for U.S. air carriers to the extent necessary to reflect increased costs arising from currency revaluation. In the administration of its stabilization order as amended, the Board will expect that any tariff filings calling for increases be accompanied by a tariff transmittal or other filing which clearly and explicitly sets forth the basis on which the carrier relies for such increase.

Accordingly, it is ordered, That:

Ordering paragraph 1 of Order 71–8–78, as amended by Order 71–9–51, is hereby amended to read in its entirety as follows:

1. "Each air carrier shall:

a. Make no increases directly or indirectly, in fares, rates, and charges in air transportation services for effectiveness during the period ending November 13, 1971, above the highest in effect during the 30-day period ending August 14, 1971: *Provided,* That fares, rates, and charges need not be established at levels less than those prevailing May 25, 1970: *And provided,* That rates, fares, and charges of U.S. air carriers; both inbound and outbound, may be raised to reflect increased costs arising from currency revaluation.

b. Withdraw all proposed tariffs or effective tariffs, including expiry provisions, which would directly or indirectly effect an increase in fares, rates, and charges, except as may be permitted pursuant to ordering paragraph 1a above, during the period ending November 13, 1971, above the highest in effect during the 30-day period ending August 14, 1971: *Provided,* That this requirement shall not apply to tariffs which would establish rates, fares, and charges at levels the same as or less than those prevailing May 25, 1970, for service of the same class."

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

ATTACHMENT A

HON. ARNOLD R. WEBER,
Executive Director,
Cost of Living Council,
Washington, D.C. 20006.

SEPTEMBER 27, 1971.

DEAR MR. WEBER: The purpose of this letter is to request rulings by the Council with respect to a number of questions which have arisen concerning the applicability of the President's Executive Order and other economic stabilization orders and regulations to air transportation between the United States and foreign countries.

On August 17, 1971, the Civil Aeronautics Board issued an order (Order 71–8–78) intended to assure the implementation of the Executive Order with respect to all aspects of fares, rates, and charges applicable to air transportation. That Board order applied to all United States air carriers and foreign air carriers alike and was most general in its terms. However, your guidance is now being

sought in the light of OEP Economic Stabilization Regulation No. 1, Section 9, and OEP Circular No. 1, Section 800, which limit applicability of the regulations to the United States, the District of Columbia and the Commonwealth of Puerto Rico, and in the light of informal discussions between members of our respective staffs about Council determinations governing steamship operations within the jurisdiction of the Federal Maritime Commission. We are concerned with both citizenship (identity of person performing the service) and extraterritoriality as possible limitations on the scope of the price stabilization requirements.

1. Are foreign flag air carriers subject to the freeze? It is our understanding that as far as steamship companies are concerned, foreign flag carriers are not directly subject to the price freeze, whether the transportation originates abroad or in this country, although American flag carriers are subject to the freeze with respect to both inbound and outbound rates, and conference rates are frozen both as to inbound and outbound rates, with a consequent indirect effect on rates charged by foreign flag carriers belonging to conferences. We are also informed that although the Council advised the Maritime Commission that the freeze did not apply to foreign flag carriers subject to FMC jurisdiction, this decision may have rested upon considerations peculiar to the steamship trade and not to air transportation. Generally speaking, the rates, fares and charges of both domestic and foreign air carriers are as a practical matter influenced by the rates; fares and charges made by competitive air carriers for the same services where point-to-point competition exists.

2. Are charges for services performed wholly in foreign countries but related to the movement of traffic between such countries and the United States subject to the freeze? The question with respect to services which are performed abroad in their entirety but are related to the movement of traffic in air transportation first arises in the context of a resolution of a traffic conference of the International Air Transport Association (IATA), under which an increase would be made in the additional fee imposed when air waybills governing shipments originating in the Federal Republic of Germany are executed by persons other than agents or shippers. If this charge is governed by the freeze, the Board would disapprove the agreement to the extent it involved shipments to the United States, since such charges for accessorial services are considered as part of the charge for the through movement of traffic. In considering this question, you may wish to take into account the fact that transportation costs may be paid either by the foreign consignor or the domestic consignee. As indicated, this issue is first raised in narrow context, but other agreements coming before the Board also concern transportation-related services totally performed in one country although the shipment moves between countries.

A related question is whether rates between foreign points which are approved by IATA resolution and which are utilized in the construction of through rates and fares to and from United States points are subject to the freeze to the extent that they are so utilized.

The Board recognizes that the resolution of these questions must be determined on the basis of price stabilization policy which is a matter peculiarly within the expertise of the Council. However, the Board believes that there are sound arguments which would favor the exclusion of services and rates of this nature from price stabilization. Such a result would be consistent with the establishment of the 10-percent import surcharge to the extent that higher inbound transportation charges would be consistent with the policy of bringing imports into better balance with exports. Secondly, an interpretation of the order which would include prices and rates for services performed entirely outside the United States raises substantial questions of extraterritoriality and thus may not have been within contemplation of the draftsman of the Executive Order.

3. Are rates, fares and charges for air transportation on inbound flights (that is, flights with destinations in the United States, the District of Columbia or the Commonwealth of Puerto Rico which originate outside such places) subject to the freeze? In this much larger context, it is also our understanding that the possible distinction between inbound and outbound traffic was not the specific subject of a Council ruling and since arguments might be made that transportation services to the United States which originate, or for which payments are made, abroad are not transactions within the scope of the freeze it seemed well to request your advice on that question. In this connection, it might be noted that air transportation between the United States and other countries is regulated by the Board without regard to whether flights originate in this country or abroad and irrespective of the place in which the contract is made for the service. On the other hand, section 9 of Stabilization Regulation No. 1 may be indicative of a contrary intent with respect to the geographic scope of the freeze. The considerations mentioned in 2 above are also pertinent to resolution of the issue as regards inbound transportation rates and fares.

4. Are rates, fares and charges pertaining to air transportation which are embodied in agreements adopted by the Traffic Conferences of the International Air Transport Association (IATA) subject to the freeze? This question is asked because we understand that the conference rate question was discussed with FMC. Board regulation of the reasonableness of fares in foreign air transportation rests on our jurisdiction over agreements among air carriers and foreign air carriers. Most rates in foreign air transportation are covered by IATA agreements.

I would appreciate hearing from you at your early convenience since a large number of rates, fares and charges which would be affected by your rulings are currently in process. Please contact Mr. R. Tenney Johnson, the Board's General Counsel (ext. 7561), or, in his absence, Mr. O. D. Ozment, the Board's Deputy General Counsel (ext. 7562), for any further information you desire regarding this matter.

Sincerely,

WHITNEY GILLILLAND,
Acting Chairman.

ATTACHMENT B

EXECUTIVE OFFICE OF THE PRESIDENT

Cost of Living Council

Mr. WHITNEY GILLILLAND.
Acting Chairman,
Civil Aeronautics Board,
Washington, D.C. 20428.

OCTOBER 14, 1971.

DEAR MR. GILLILLAND: Your letter of September 27 raised a number of questions on international air transport, as follows:

1. Foreign air carrier rates are not subject to the freeze. Rates for United States carriers, both inbound and outbound, are covered by the freeze, except that they may be raised to reflect increased costs arising from currency revaluation.

2(a). When the related services performed in foreign countries by U.S. airlines are a part of the movement of traffic between the foreign countries and the U.S., they are covered by the freeze.

2(b). When rates charged by U.S. airlines between foreign points are a part of traffic to the U.S., they are covered by the freeze.

3. See No. 1, above.

4. The rulings of the Council apply to rates of U.S. carriers, but not directly to any aspect of the agreements adopted by the Traffic Conference of the International Air Transport Association.

Sincerely,

ARNOLD R. WEBER,
Executive Director and
Special Assistant to the President.

[FR Doc.71-15854 Filed 10-29-71;8:47 am]

[Docket No. 23405]

PANINTERNATIONAL

Foreign Air Carrier Permit for Charter Foreign Air Transportation; Notice of Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding, now assigned to be held on October 27, 1971, is postponed indefinitely. The postponement is at the request of the applicant.

Dated at Washington, D.C., October 26, 1971.

[SEAL] LOUIS W. SORNSON,
Hearing Examiner.

[FR Doc.71-15851 Filed 10-29-71;8:49 am]

FEDERAL POWER COMMISSION

[Project 2146]

ALABAMA POWER CO.

Application for Approval of Proposed Easement

OCTOBER 22, 1971.

Public notice is hereby given that application for permission to grant an easement for a proposed sewage treatment facility has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by Alabama Power Co. (correspondence to Mr. S. R. Hart, Jr., vice president—Engineering, Alabama Power Co., Birmingham, Ala. 35202) to be located partly within the boundary of constructed Project No. 2146, located on the Coosa River in Elmore, Chilton, Coosa, Shelby, Talladego, Saint Clair, Calhoun, Etowah, and Cherokee Counties, Ala., and Floyd County, Ga. The project land over which the proposed easement would be granted is in Cherokee County, Ala.

The application seeks Commission approval of a proposed easement to be granted by Alabama Power Co. to the town of Cedar Bluff, Ala. The 10.9 acres over which the easement would be granted would be occupied by three ponds of a sewage facility belonging to the town of Cedar Bluff, and would provide secondary sewage treatment therefor. The treated effluent would discharge into Weiss Reservoir. The easement as proposed would require the town of Cedar Bluff to take all precautions during the

construction, operation, and maintenance of the treatment facilities to protect the reservoir from siltation and every form of pollution.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 6, 1971, file with the Federal Power Commission, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.71-15838 Filed 10-29-71;8:48 am]

[Docket No. CI72-220]

CHARLES A. BARTON, SR.

Notice of Application

OCTOBER 22, 1971.

Take notice that on October 18, 1971, Charles A. Barton, Sr., 903 Beck Building, Shreveport, La. 71101, filed in Docket No. CI72-220 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Trunkline Gas Co. from the Fields Field, Beauregard Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell nautral gas for 1 year commencing December 3, 1971, at the rate of 26 cents per Mcf at 15.025 p.s.i.a. within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). The estimated monthly sales volume is 37,500 Mcf.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before November 5, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropirate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.71-15839 Filed 10-29-71;8:48 am]

[Docket No. CP72-92]

COLORADO INTERSTATE GAS CO.

Notice of Application

OCTOBER 22, 1971.

Take notice that on October 4, 1971, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (applicant), Post Office Box 1087, Colorado Springs, CO 80901, filed in Docket No. CP72-92 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities for the delivery of previously authorized volumes of natural gas to Kansas-Nebraska Natural Gas Co., Inc. (Kansas-Nebraska), and to Public Service Company of Colorado (Public Service), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to construct a 2-inch tap on its 12-inch Weld County Lateral in Weld County, Colo., and a 1-inch tap on its 20-inch Colorado Springs to Denver Mainline in Douglas County, Colo., to enable applicant to deliver natural gas to Kansas-Nebraska and Public Service, respectively. The estimated cost of the facilities proposed herein is $1,400, which cost, applicant states, will be reimbursed by the respective parties.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 8, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.71-15847 Filed 10-29-71;8:49 am]

[Docket No. CP70-216]

EAST TENNESSEE NATURAL GAS CO.

Notice of Petition To Amend

OCTOBER 26, 1971.

Take notice that on September 30, 1971, East Tennessee Natural Gas Co. (petitioner), Post Office Box 10245, Knoxville, TN 37919, filed in Docket No. CP70-216 a petition to amend the order of the Commission issued in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing reallocation of presently authorized contract quantities of natural gas delivered by petitioner to service areas of United Cities Gas Co. (United), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order of the Commission issued in said docket on July 22, 1970 (44 FPC 146), as amended, petitioner was authorized, among other things, to make additional sales of natural gas to certain of its existing customers, including United, commencing with the 1970-71 winter season. Pursuant to United's request, petitioner now proposes to reallocate presently authorized contract quantities for certain of United's service areas. Such reallocation would result in United's receiving from petitioner the following proposed contract quantities of natural gas in the service areas indicated:

Customer	Proposed Contract Quantity (Mcf/d)
United Cities Gas Co.:	
Columbia Service Area	7,998
Shelbyville Service Area	5,330
Lynchburg Service Area	1,260
Maryville Service Area	7,400
Total	21,988

Petitioner states that the proposed reallocation provides for the transfer of authorized contract quantities from one service area to another and will not increase the total quantity of gas available to United's service areas. Petitioner states also that such reallocation will not impair its ability to meet other contract obligations.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 12, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-15840 Filed 10-29-71;8:48 am]

[Docket No. CP72-91]

EL PASO NATURAL GAS CO.

Notice of Application

OCTOBER 22, 1971.

Take notice that on October 4, 1971, El Paso Natural Gas Co. (applicant) filed in Docket No. CP72-92 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain tap and pipeline facilities located on its Southern Division System in El Paso County, Tex., and in Greenlee and Cochise Counties, Ariz., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The tap facilities proposed to be abandoned by applicant consist of three taps, all located on its 16-inch "A" line in the city of El Paso, Tex., near the El Paso International Airport. These taps have been utilized by applicant for the sale and delivery of natural gas to Southern Union Gas Co. (Southern) for resale to commercial users in the airport area. Applicant states that, because of continuing building development in the airport area and, in order to provide more efficient control of its deliveries of natural gas in this area to Southern, applicant and Southern have agreed to consolidate those deliveries made at the above three taps with deliveries made in the same area at its Hilton Inn Tap. Accordingly, under authorization granted by Commission order issued January 15, 1971, in Docket No. CP71-113 (45 FPC ——), as amended, applicant converted the Hilton Inn Tap to a measuring and regulating station now known as the El Paso Airport Meter Station. Applicant states that all deliveries of natural gas previously made to Southern at the three taps proposed to be abandoned will now be made through the El Paso Airport Meter Station.

The pipeline facilities proposed to be abandoned by applicant consist of approximately 0.17 mile of 12¾-inch pipeline located in Greenlee County, Ariz., and approximately 0.22 mile of 6⅝-inch pipeline located in Cochise County, Ariz., utilized by applicant to render direct natural gas service to Phelps Dodge Corp. (Phelps) for use in the latter's Morenci and Douglas, Ariz., smelting plants. Applicant states that these pipelines, which are proposed to be abandoned by transfer without cost to Phelps, are located within the boundaries of the smelter yards and that the abandonment thereof will eliminate the need for applicant to own, maintain, and operate transmission facilities within the boundaries of Phelp's smelters.

Applicant states that no interruption, reduction, or termination of natural gas service rendered by applicant to existing customers, including those identified above, will result from the proposed abandonments.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before November 12, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

[FR Doc.71-15841 Filed 10-29-71;8:48 am]

[Docket No. CP72-93]

LONE STAR GAS CO.

Notice of Application

OCTOBER 26, 1971.

Take notice that on October 8, 1971, Lone Star Gas Co. (applicant), 301 South Harwood Street, Dallas, TX 75201, filed in Docket No. CP72-98 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(c) of the regulations under said Act, for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1972, and operation of certain natural gas sales and transportation facilities to enable applicant to make sales of natural gas to existing customers and to make miscellaneous rearrangements of existing facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of the certificate requested herein is to augment applicant's ability to supply with the least possible delay, the natural gas requirements of its customers in existing market areas, and to make miscellaneous relocations and rearrangements of existing facilities. Applicant states that the proposed facilities will not be used to deliver natural gas for boiler fuel purposes and that deliveries through these facilities will not exceed 100,000 Mcf annually. The total cost of the facilities proposed herein is not to exceed $200,000, with no single project costing in excess of $25,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 9, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 71-15842 Filed 10-29-71;8:48 am]

[Docket No. CP72-90]

PACIFIC GAS TRANSMISSION CO.

Notice of Application

OCTOBER 22, 1971.

Take notice that on September 29, 1971, Pacific Gas Transmission Co. (ap-

plicant), 77 Beale Street, San Francisco, CA 94106, filed in Docket No. CP72-90 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of existing facilities for the delivery of natural gas on an exchange basis to El Paso Natural Gas Co. (El Paso), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it has entered into a natural gas Emergency Exchange Agreement with El Paso and Pacific Gas and Electric Co. (PG&E) whereby PG&E will direct applicant to deliver to El Paso at an existing point of interconnection between their respective systems near Stanfield, Oreg., up to 100,000 Mcf of natural gas per day commencing upon the receipt of Commission authorization or November 1, 1971, whichever is the later, and continuing until April 30, 1972. Such deliveries by applicant to El Paso will be made only after El Paso has scheduled full deliveries of gas available to its northwest division from all other sources. Applicant states that commencing on or about May 1, 1972, and continuing through September 30, 1972, El Paso will redeliver either to applicant at Stanfield, Oreg., for transmission to PG&E at the California-Oregon border, or directly to PG&E at the existing point of delivery on the Arizona-California border near Topock, Ariz., quantities of natural gas at a rate of 50,000 Mcf per day, or such other rates as may be agreed upon, until the total quantity of gas so redelivered to applicant and PG&E shall be equal to 150 percent of the total volume of gas delivered by applicant to El Paso.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 8, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.71-15848 Filed 10-29-71;8:49 am]

[Docket No. CP72-99]

SOUTHERN NATURAL GAS CO.

Notice of Application

OCTOBER 26, 1971.

Take notice that on October 8, 1971, Southern Natural Gas Co. (applicant), Post Office Box 2563, Birmingham, AL 35202, filed in Docket No. CP 72-99 an application pursuant to section 7(b) of the Natural Gas Act for permission for and approval of the abandonment by sale to Mississippi Valley Gas Co. (Mississippi) of certain natural gas pipeline and related facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to abandon by sale to Mississippi approximately 9.65 miles of 3½-inch lateral pipeline extending from a point on its North Main line in Noxubee County, Miss., to Macon, Miss., approximately 0.49 mile of 2⅜-inch tap line extending from the aforementioned lateral to Brooksville, Noxubee County, Miss., and two metering and one regulating stations located on these pipelines.

Applicant states that Mississippi desires to integrate its natural gas distribution facilities in Noxubee County and in this connection desires to purchase from applicant, at a cost of $22,000, the aforementioned facilities. Applicant states further that service will not be discontinued as a result of the proposed abandonment.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 9, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.17-15843 Filed 10-29-71;8:48 am]

[Dockets Nos. CP72-100, CP72-101]

TECON GASIFICATION CO. AND TEXAS EASTERN TRANSMISSION CORP.

Notice of Applications

OCTOBER 26, 1971.

Take notice that on October 12, 1971, Tecon Gasification Co. (Tecon)[1], Southern National Bank Building, Houston, Tex. 77001, filed in Docket No. CP72-100 and Texas Eastern Transmission Corp. (Texas Eastern), Post Office Box 2521, Houston, TX 77001, filed in Docket No. CP72-101 applications pursuant to section 7(c) of the Natural Gas Act for certificates of public convenience and necessity authorizing the construction and operation of certain natural gas pipeline, compression and gasification facilities, and Texas Eastern, in Docket No. CP72-101, filed pursuant to section 7(b) of the Natural Gas Act for permission for and approval of the abandonment of approximately 15 miles of 20-inch and 12-inch pipeline, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Tecon, in Docket No. CP72-100, requests authorization for the construction and operation of a liquid hydrocarbon gasification plant to gasify liquid liquid hydrocarbons (generally known as naphtha) into pipeline quality gas with a heating value of approximately 1,000 B.t.u. per cubic foot. This plant, which is to include approximately 30,000 horsepower of compression, will be constructed at an estimated cost of $139,849,000 near South Plainfield, N.J. The estimated output production of this plant is 500,000 Mcf of gas per day. Tecon states that this plant will be located adjacent to the pipeline system of Texas Eastern and that the entire production

[1] 60 percent of the capital stock of Tecon will be owned by a subsidiary of Texas Eastern Transmission Corp. and the remaining 40 percent will be owned by Consolidated Natural Gas Co.

from this plant will be delivered to Texas Eastern. Tecon proposes to sell 300,000 Mcf of this gas per day to Texas Eastern while the remaining volume of 200,000 Mcf per day will be sold to Consolidated Gas Supply Corp. Consolidated).

Tecon states that approximately one-third of the liquid hydrocarbons necessary for the operation of this plant will be purchased domestically and the other two-thirds will be obtained from foreign sources. The weighted average 1974 cost of all supplies is $3.775 per barrel. These liquid hydrocarbons will be delivered to Tecon's plant by Texas Eastern Terminal Co. (Terminal), a subsidiary of Texas Eastern, by means of docking, terminal, storage, and liquid hydrocarbon pipeline facilities proposed to be constructed or acquired by Terminal. These facilities will consist of a two-ship dock, unloading lines, header system, booster pumps, and liquid hydrocarbon storage tanks on Staten Island, N.Y.; a 20-inch liquid hydrocarbon pipeline approximately 15 miles in length extending from the terminal facilities to Tecon's plant; and liquid hydrocarbon storage tanks adjacent to said plant, together with certain related facilities.

Texas Eastern, in Docket No. CP72-101, seeks permission for and approval of the abandonment of approximately 15 miles of pipeline consisting of 12.73 miles of 20-inch and 2.3 miles of 12-inch line. Texas Eastern proposes to abandon this line by sale to Terminal for conversion to a liquid hydrocarbon pipeline. Texas Eastern also seeks authorization to construct and operate approximately 21.6 miles of 42-inch pipeline in lieu of an equal length of 36-inch pipeline which was previously authorized in Docket No. CP69-82 as a loop to its Hanover Line in New Jersey, and to install and operate certain natural gas metering and regulating facilities. Texas Eastern will employ these facilities for the delivery to Consolidated by displacement of the volumes of natural gas purchased by Consolidated from Tecon. The overall capital cost of increasing the size of the Hanover Loop and constructing the metering and regulating facilities, less the selling price of the pipeline facilities to be abandoned, is approximately $4 million. Texas Eastern states that this cost will be financed by use of its revolving credit agreements.

The sale of gas by Tecon to Texas Eastern and Consolidated will be made on a cost-of-service basis beginning in late 1973 or early 1974. The estimated cost per Mcf for the gas to be purchased from Tecon is $1.23. Texas Eastern and Consolidated request that the Commission, in authorizing Tecon's proposal, specifically authorize them to track without suspension their respective costs of purchasing gas from Tecon. Neither Texas Eastern nor Consolidated proposes to absorb these gas purchase costs.

Any person desiring to be heard or to make any protest with reference to said applications should on or before November 15, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on these applications if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificates and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-15844 Filed 10-29-71;8:48 am]

[Docket No. CP72-94]

VALLEY GAS TRANSMISSION, INC.

Notice of Application

OCTOBER 22, 1971.

Take notice that on October 4, 1971, Valley Gas Transmission, Inc. (applicant), Post Office Box 1188, Houston, TX 77001, filed in Docket No. CP72-94 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas for Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to measure, transport, dehydrate, and deliver to Tennessee through existing facilities, natural gas which Tennessee will purchase from producers in the general area of applicant's pipeline system. Applicant states that the charge for this service will be 3 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 8, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.71-15849 Filed 10-29-71;8:49 am]

[Docket No. CP72-89]

WESTERN GAS CORP. (SUCCESSOR TO SOUTHERN GAS CO.)

Notice of Application

OCTOBER 26, 1971.

Take notice that on September 29, 1971, Western Gas Corp. (applicant), 205 F Street, Phillipsburg, KS 67661, filed in Docket No. CP72-89, an application pursuant to section 7(c) of the Natural Gas Act authorizing applicant to continue in lieu of Southern Gas Co., certificate holder in Docket No. CP72-12, the sale of natural gas to Texas Eastern Transmission Corp., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it merged Southern Gas Co., effective July 1, 1971, and that it proposes to continue without change the sale of natural gas authorized in Docket No. CP72-12 effective August 17, 1971. Concurrently with its certificate application, applicant filed a notice of succession to Southern Gas Co. FPC Gas Rate Schedule No. 1.

Any person desiring to be heard or to make any protest with reference to said application should on or before November 9, 1971, file with the Federal Power

Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.71-15845 Filed 10-29-71;8:49 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-4847]

ECOLOGICAL SCIENCE CORP.

Order Suspending Trading

OCTOBER 26, 1971.

The common stock, 2 cents par value, of Ecological Science Corp. being traded on the American Stock Exchange, the Philadelphia - Baltimore - Washington Stock Exchange and the Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Ecological Science Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period October 26, 1971, through November 4, 1971.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.71-15802 Filed 10-29-71;8:45 am]

[812-2927]

ITT VARIABLE ANNUITY INSURANCE CO. AND ITT VARIABLE ANNUITY INSURANCE COMPANY SEPARATE ACCOUNT

Notice of Application for Exemption

OCTOBER 26, 1971.

Notice is hereby given that ITT Variable Annuity Insurance Co. (Insurance Company) and ITT Variable Annuity Insurance Co. Separate Account (Separate Account), 212 South Central Avenue, St. Louis, MO 63105, (hereinafter Applicants) have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting Applicants, to the extent described below, from the provisions of section 22(d) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Insurance Company is a stock life insurance company organized under the laws of South Carolina. ITT Hamilton Life Insurance Co., a wholly owned subsidiary of International Telephone and Telegraph Corp., owns 80 percent of the outstanding stock of Insurance Company. International Telephone and Telegraph Corp. owns the remaining 20 percent. Separate Account, an integral part of Insurance Company, has been established for the purpose of maintaining assets accruing from the sale of individual and group variable annuity contracts provided by Insurance Company. Separate Account is an open-end diversified, management investment company registered under the Act.

Applicants seek an exemption from section 22(d) to permit the owner of an Insurance Company policy who surrenders his policy, or any beneficiary of such a policy, to invest the policy proceeds received or due to him under such policy in an individual single payment immediate variable annuity contract without the necessity of paying sales charges on any such investment.

Applicants request an additional exemption from section 22(d) to permit owners of life insurance policies issued by Hartford Life Insurance Co., Hartford Life and Accident Insurance Co., and Minnesota National Life Insurance Co., as well as ITT Life Insurance Company of New York and ITT Midwestern Life Insurance Co., and any beneficiary thereunder, as well as any insured under a policy of disability insurance issued by Hartford Accident and Indemnity Co., to invest or elect to invest part or all of any such policy proceeds payable or paid upon the surrender of such policy or upon the death or disability of the insured, as the case may be, in an individual single payment immediate variable annuity contract issued by Insurance Company without any deduction being made for sales charges on any such investment.

Applicants state that the Commission, by order dated October 14, 1969 (Investment Company Act Release No. 5841) granted a similar exemption permitting owners of ITT Hamilton Life Insurance Co. life insurance contracts to invest the proceeds therefrom in an individual variable annuity contract without payment of additional sales charges.

Applicants assert that a sales charge has already been paid by or on behalf of the owner of or an insured under a contract of insurance issued by one of the insurance companies hereinabove named in connection with the acquisition of the coverage provided by such contract, and it would discriminate unfairly against any such person or the beneficiary under any such policy to require the payment of an additional sales load to acquire a variable annuity contract offered by an affiliated company of the company that issued such insurance policy. Applicants also assert that the exemptions described herein are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants agree that any order granted pursuant to this application shall terminate with respect to any company named herein if it ceases to be a company which is wholly owned by International Telephone and Telegraph Corp. or one its subsidiaries.

Section 22(d) provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus.

Section 6(c) of the Act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 12, 1971 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such

request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.71–15804 Filed 10–29–71;8:45 am]

[812–3017]

INVESTORS DIVERSIFIED SERVICES, INC., ET AL.

Notice of Application Approving Offer of Exchange

OCTOBER 26, 1971.

Notice is hereby given that Investors Diversified Services, Inc. (IDS), IDS Progressive Fund, Inc. (Progressive), IDS New Dimensions Fund, Inc. (Dimensions), and Investors Selective Fund, Inc. (Selective) (collectively referred to herein as "Applicants"), Eighth Street and Marquette Avenue, Minneapolis, MN, have jointly filed an application pursuant to section 11(a) of the Investment Company Act of 1940 (Act) for an order approving a proposed offer of exchange involving the transfer of shares of Selective into Progressive and Dimensions on the basis described below. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Applicants state that IDS, a registered broker-dealer under the Securities Exchange Act of 1934, is the investment adviser to, and sole distributor of the shares of, Progressive, Dimensions, Selective, Investors Mutual, Inc. (Mutual), Investors Stock Fund, Inc. (Stock Fund), and Investors Variable Payment Fund, Inc. (Variable) (referred to collectively herein as "Fund"), each of which is an open-end diversified investment company registered under the Act. Shares of Selective are offered to the public at net asset value plus a maximum sales charge of 7 percent. All other Funds are offered to the public at net asset value plus a maximum sales charge of 8 percent.

Shareholders of all Funds except Selective can exchange their shares into shares of any other Fund at any time at net asset value. Shareholders of Selective exchange only into Mutual, Variable, and Stock Fund at net asset value after they have held their shares for 5 months. To exchange in less than 5 months they must pay IDS the 1 percent sales charge differential between Selective and the other Funds. (Investment Company Act Releases Nos. 1997 and 5037.)

Applicants now propose to extend to the shareholders of Selective the privilege of exchanging their shares for the shares of Progressive and Dimensions. As with exchanges between Selective and the other Funds, exchanges within 5 months of the date of the purchase of the shares of Selective would require the transferor to pay IDS the difference between the actual sales charge paid on the shares of Selective sought to be exchanged and the sales charge that would have been paid had Progressive and Dimensions shares been purchased initially. This charge is intended to prevent persons from purchasing the shares of Selective and immediately converting them into shares of the others Funds, thus circumventing the higher sales load charged by the other Funds.

Applicants state that this offer puts the privilege of transferring investments between the six open-end funds advised and distributed by IDS on a uniform basis. Applicants further state that such privilege would permit shareholders of Selective to change their investment from one fund to the other as their personal investment objectives change, or as tax, economic, or market conditions, make it more advantageous for them, in their opinion, to have their investments in one fund rather than another. Applicants assert that to avoid any possible incentive on the part of salesmen to switch Selective shareholders into Progressive and Dimensions, any additional sales charge will be paid to IDS and no portion of it be paid or credited to any salesman.

Applicants consent to a reservation jurisdiction by the Commission to modify or revoke its order after notice and opportunity for hearing, if, in the opinion of the Commission, such action is deemed necessary or appropriate.

Section 11(a) of the Act states in pertinent part, that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company or any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission.

Notice is further given that any interested person may, not later than November 17, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is in order will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.71–15803 Filed 10–29–71;8:45 am]

[70–5106]

MISSISSIPPI POWER & LIGHT CO.

Notice of Proposed Transfer From Retained Earnings Account to Common Stock Capital Account

OCTOBER 26, 1971.

Notice is hereby given that Mississippi Power & Light Co. (MP&L), Post Office Box 1640, Jackson, MS 39205, an electric utility subsidiary company of Middle South Utilities, Inc., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating Sections 6(a) and 7 of the Act as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

MP&L proposes to transfer from the retained earnings account to the common stock capital account the sum of $3,100,000—the equivalent of $1 for each of the 3,100,000 shares of common stock, no par value, now outstanding. At August 31, 1971, common stock capital and retained earnings of MP&L amounted to $68,200,000 and $21,274,460, respectively. Giving effect to the proposed transfer, common stock capital would be increased to $71,300,000, and retained earnings would be reduced to $18,174,460. The

transaction is proposed for the purpose of strengthening MP&L's capital structure.

It is stated that the fees and expenses in connection with the proposed transaction are estimated not to exceed $1,000. It is further stated that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than November 19, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulations, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.71-15805 Filed 10-29-71;8:45 am]

[811-991]

WESTMINSTER FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

OCTOBER 22, 1971.

Notice is hereby given that Westminster Fund, Inc. (Applicant), Westminster at Parker, Elizabeth, N.J. 07207, a Maryland corporation registered as an open end diversified management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant represents that since its initial offering of shares issued as of July 28, 1961, pursuant to an exchange offer, it has not offered additional shares for sale to the public. Applicant further represents that on April 28, 1971, its shareholders approved an agreement and plan of reorganization and related articles of exchange and transfer between Applicant and Anchor Growth Fund, Inc. (Growth). The plan provided that Applicant would transfer its assets and liabilities to Growth in exchange for shares of Growth which would be distributed to the shareholders of Applicant in exchange for their holdings in Applicant on the basis of the respective net asset values of shares of the two companies at the close of business April 30, 1971. In the process, Applicant would be liquidated and dissolved. The agreement was consummated on May 3, 1971 and on September 3, 1971, Applicant's Articles of Dissolution, filed with the Maryland State Department of Assessments and Taxation, were received and approved. Applicant asserts that as of September 8, 1971, 53 former shareholders had not as yet transmitted their shares to the transfer agent for exchange.

Section 3(c)(1) of the Act excepts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons, and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than November 12, 1971 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time later than said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.71-15806 Filed 10-29-71;8:45 am]

TENNESSEE VALLEY AUTHORITY

FINAL ENVIRONMENTAL IMPACT STATEMENT

Notice of Availability

Notice is hereby given that copies of a document entitled "Shelby 500-kV Substation and Transmission Line Connections, Final Environmental Impact Statement" dated September 22, 1971, have been made available to the President, the Council on Environmental Quality, and to the public as required by section 102(2)(C) of the National Environmental Policy Act. The statement contains the comments and views of the appropriate Federal, State, and local agencies concerning the proposed substation and transmission line connections project. Copies of the document are available for public examination in the office of the Director of Information, 508 Union Avenue, Knoxville, TN 37902, and at TVA's Washington office, 435 Woodward Building, 15th and H Streets, Washington, DC 20444.

Single copies of the final statement will be furnished upon request addressed to the Director of Information at the above address.

Dated at Knoxville, Tenn., this the 21st day of October 1971, for the Tennessee Valley Authority.

LYNN SEEBER,
General Manager.

[FR Doc.71-15800 Filed 10-29-71; 8:45 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

OCTOBER 27, 1971.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but

interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

Correction

No. MC 110264 Sub 41, Albuquerque Phoenix Express, Inc., in lieu of MC 110264, Sub 43, Albuquerque Phoenix Express, Inc., assigned December 13, 1971, in Room 1010, Federal Building, 230 North First Avenue, Phoenix, AZ.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-15857 Filed 10-29-71;8:47 am]

ASSIGNMENT OF HEARINGS

OCTOBER 27, 1971.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested.

MC 59680 Sub 187, Strickland Transportation Co., Inc., assigned November 8, 1971, hearing canceled and application dismissed.

MC-F-11211, Melton Truck Lines, Inc.—Purchase—Mid South Delivery Service Co., assigned December 6, 1971, in Room 204, Federal Office Building, 167 North Main Street, Memphis, TN.

MC 119789 Sub 60, Caravan Refrigerated Cargo, Inc., now assigned November 12, 1971, at Columbus, Ohio, canceled and transferred to modified procedure.

MC 112184 Sub 33, The Manfredi Motor Transportation, now assigned November 19, 1971, at Columbus, Ohio, postponed to a date to be hereafter fixed.

MC 29910 Sub 97, Arkansas Best Freight System, now assigned October 26, 1971, at Dallas, Tex., canceled and application dismissed.

MC 113855 Sub 238, International Transport, Inc., now assigned November 3, 1971, at Los Angeles, Calif., canceled and application dismissed.

MC-C-7276, *Manhattan Transit Co.* v. *National Ski Tours; Inc., et al.*, assigned December 13, 1971, in Room E-2222, 26 Federal Plaza, New York, NY.

MC 114457 Sub 98, Dart Transit Co., assigned December 13, 1971, in Room 204, Federal Office Building, 167 North Main Street, Memphis, TN.

MC 115162 Sub 210, Poole Truck Line, Inc., assigned December 8, 1971, in Room 204, Federal Office Bulding, 167 North Main Street, Memphis TN.

MC 113267 Sub 250, Central & Southern Truck Lines, Inc., assigned December 16, 1971, in Room 204, Federal Office Building, 167 North Main Street, Memphis, TN.

MC 64373 Sub 6, Clarkson Bros. Machinery Haulers, Inc., assigned November 3, 1971, at Washington, D.C., posponed indefinitely.

MC-F-10934, Northeastern Trucking Co., assigned December 7, 1971, at Washington, D.C., postponed to January 11, 1972, at Washington, D.C., at the offices of the Interstate Commerce Commission.

MC-F-10949, Guignard Freight Lines, Inc., assigned December 7, 1971, at Washington, D.C., postponed to January 11, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11053, Mercury Freight Lines, Inc., assigned December 7, 1971, at Washington, D.C., postponed to January 11, 1972, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-7327, John L. Mason, Jr., Johnny Mason, doing business as Mason Trucking Carroll Truck Lines, Inc., John L. Mason, Sr., and John L. Mason, Sr., doing business as West Gin Co.—Investigation of Operations and Practices—assigned December 14, 1971, in Room 204, Federal Office Building, 167 North Main Street, Memphis, TN.

MC 111812 Sub 419, Midwest Coast Transport, Inc., assigned November 1, 1971, at Boston, Mass., canceled and dismissed.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-15858 Filed 10-29-71;8:47 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

OCTOBER 27, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42292—*Woodpulp and woodpulp screenings from Desbiens, Quebec, Canada.* Filed by Traffic Executive Association—Eastern Railroads, agent (E.R. No. 3008), for interested rail carriers. Rates on woodpulp and woodpulp screenings, in carloads, as described in the application, from Desbiens, Quebec, Canada, to Brunswick and Madison, Maine.

Grounds for relief—Motor-truck competition.

Tariff—Supplement 77 to Canadian National Railways tariff ICC E-538. Rates are published to become effective on November 26, 1971.

FSA No. 42293—*Chlorine, Memphis, Tenn., to Naheola, Ala.* Filed by M. B. Hart, Jr., agent (No. A6286), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from Memphis, Tenn., to Naheola, Ala.

Grounds for relief—Market competition.

Tariff—Supplement 326 to Southern Freight Association, agent, tariff ICC S-484. Rates are published to become effective on December 2, 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-15859 Filed 10-29-71;8:47 am]

[Notice 387]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

OCTOBER 27, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC 67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 83539 (Sub-No. 319 TA), filed October 15, 1971. Applicant: C & H TRANSPORTATION CO., INC., Post Office Box 5976, 1935 2010 West Commerce Street, 75208, Dallas, TX 75222. Applicant's representative: Kenneth Weeks, Post Office Box 5976, Dallas, TX 75222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Material handling equipment, accessories, attachments and parts therefor*, from Sparks, Nev., to points in the United States (except Nevada, Hawaii, and Alaska), for 180 days. NOTE: Applicant does not intend to tack its authority. Supporting shipper: Lion Manufacturing Co., Inc., 10 Greg Street, Sparks, NV 89431. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, Tex. 75202.

No. MC 92633 (Sub-No. 19 TA), filed October 15, 1971. Applicant: ZIRBEL TRANSPORT, INC., 420 28th Street North, Lewiston, ID 83501. Applicant's representative: Donald A. Ericson, 708 Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Logging, mining, and contractors' material and supplies, petroleum products, in containers, and agricultural commodities*, from points in Oregon to points in Idaho, for 180 days. NOTE: Carrier presently has the above-referenced authority with two restrictions: (1) Tacking points must be within 100 miles of Lewiston and (2) that the combination of points does violate a restriction against movement of traffic

between incorporated cities and towns. The other present restriction also requires the movement from any incorporated Oregon point to any unincorporated point within 100 miles of Lewiston. The present application is for the elimination of a gateway, in relation of certain portions of the authority of applicant. Supported by: The letters of the supporting shippers not attached. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 103993 (Sub-No. 676 TA), filed October 20, 1971. Applicant: MORGAN DRIVE AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frames and undercarriages*, equipped with hitchball connectors, from points in Crowley County, Kans., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Mobile Products, Inc., Arkansas City, Kans. Subsidiary of Central Division, Riblet Products Corp., Elkhart, Ind. Send protests to: Acting District Supervisor John E. Ryden, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

No. MC 115648 (Sub-No. 24 TA), filed October 18, 1971. Applicant: LUTHER LOCK, doing business as LUTHER LOCK TRUCKING, 974 Gilchrist Street, Post Office Box 290, Wheatland, WY 82201. Applicant's representative: Ward A. White, Post Office Box 568, Cheyenne, WY 82001. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Crushed stone and rock*, in bulk, from Murray, Utah, to Adams City, Colo., for 180 days. Supporting shipper: Mack Precast Products Co., Inc., 6900 Elm Street, Post Office Box 1068, Adams City, CO 80022. Send protests to: District Supervisor Paul A. Naughton, Interstate Commerce Commission, Bureau of Operations, Room 1600 Federal Building and Post Office, 100 East B Street, Casper, WY 82601.

No. MC 116770 (Sub-No. 1 TA), filed October 15, 1971. Applicant: ACTIVE CARTAGE LIMITED, 1065 Martin Grove Road, Rexdale, ON, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Girders, beams, angles, channels, columns, pillars, and posts*, from United States international border at Niagara Falls, N.Y., to Niagara Falls, N.Y., and Lewiston and Queenston Bridge, N.Y., to Niagara Falls, N.Y., for 150 days. NOTE: This authority to be tacked with authority issued by Ontario Highway Transport Board. Supporting shipper: Canron Limited, Eastern Structual Division, 100 Disco Road, Rexdale, Ontario, Canada. Send protests to: District Supervisor George M. Parker, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, NY 14203.

No. MC 119391 (Sub-No. 9 TA), filed October 18, 1971. Applicant: AJAX TRANSFER COMPANY, 550 East Fifth Street South, South St. Paul, MN 55075. Applicant's representative: Samuel Rubenstein, 301 North Fifth Street, Minneapolis, MN 55403. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, as described in section A of appendix 1 to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except commodities in bulk), between Chicago, Ill., and points in the Chicago commercial zone and Minneapolis and Fridley, Minn., for 180 days. Supporting shippers: Feinberg Distributing Co., Inc., 2200 Summer Street NE., Minneapolis, MN 55413; Redi Roast Products, 7501 Commerce Lane, Minneapolis, MN 55432. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 126276 (Sub-No. 57 TA), filed October 18, 1971. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends* when moving with metal containers, from Danbury, Conn., to Frankenmuth, Mich. Supporting shipper: Arthur G. Gee, North Atlantic Distribution Manager, National Can Corp., 2200 East Adams Avenue, Philadelphia, PA 19124. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 133268 (Sub-No. 2 TA), filed October 15, 1971. Applicant: LEE'S CARRIER CORP., 2905 Northwest 32d Street, Miami, FL 33142. Applicant's representative: John P. Bond, 30 Giralda Avenue, Coral Gables, FL 33134. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Folded paper boxes*, from points in Dade County, Fla., to Pascagoula, Miss.; Franklinton, Bogalousa, New Orleans, Metarie, Baton Rouge, Opelousas, Lake Charles, Alexandria, West Monroe, and Shreveport, La.; Beaumont, Houston, Brenham, Terrell, Dallas, Arlington, Fort Worth, and Cisco, Tex., for 180 days. Supporting shipper: Simkins Industries, Inc., Simkins Road, Miami, Fla. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 136086 TA, filed October 15, 1971. Applicant: BACIL GUILEY, doing business as GUILEY TRUCKING, 13119 Arrow Route, Fontana, Calif. 92335. Applicant's representative: Bacil Guiley (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated mobile home and travel trailer chassis components*, from Hemet, Calif., to Phoenix and Casa Grande, Ariz., for 180 days. Supporting shipper: Consolidated Metals of California, Inc., Arizona Division, Post Office Box 14550, Phoenix, Ariz. 85031. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 136089 TA, filed October 18, 1971. Applicant: WILLIAM W. WILLIAMS, 507 Cline Avenue, Port Orchard, WA 98366. Applicant's representative: George Kargianis, 2120 Pacific Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning and chemical compounds*, from Barberton, Ohio, to points in Washington and Oregon, for 180 days. Supporting shipper: Malco Products, Inc., 361 Fairview Avenue, Barberton, OH 44203. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 631 Arcade Building, Seattle, Wash. 98101.

No. MC 136090 TA, filed October 18, 1971. Applicant: NORTH CENTRAL LINES, INC., 305 North Montgomery, Eagle Grove, IA 50533. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry feed, feed ingredients, and feed supplements*, between Eagle Grove, Iowa, on the one hand, and, on the other, points in Colorado, Illinois, Indiana, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Wisconsin, and Wyoming, under continuing contract or contracts with Promico, Inc., and Eagle Mills, Inc., of Eagle Grove, Iowa, for 180 days. Supporting shipper: Promico, Inc., Eagle Mills, Inc., Eagle Grove, Iowa. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, Iowa 50309.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-15860 Filed 10-29-71;8:47 am]

[Notice 772]

MOTOR CARRIER TRANSFER PROCEEDINGS

OCTOBER 27, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations

prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–73097. By order of October 26, 1971, the Motor Carrier Board approved the transfer to LaPorte Bus Lines, Inc., New Iberia, La. 70560, of the operating rights in certificate No. MC–128308, issued March 29, 1971, to Joe LaPorte, doing business as LaPorte Bus Lines, New Iberia, La., authorizing the transportation of passengers and their baggage, and express and newspapers between specified points in Louisiana. Peter J. LaPoma, 830 Center Street, New Iberia, LA 70560, representative for applicants.

No. MC–FC–73112. By order of October 26, 1971, the Motor Carrier Board approved the transfer to C & K Petroleum Transporters, Inc., 39 South Columbia Street, Port Jefferson Station, NY, of certificate of registration No. MC–120901 (Sub-No. 1), issued February 3, 1964, to Frank R. Clark, doing business as Petroservice, Port Jefferson Station, New York, N.Y., evidencing a right to engage in transportation in interstate commerce as described in certificate No. 3035, dated August 28, 1962, issued by the New York Public Service Commission. William J. Angello, Jr., Attorney at Law, Suite 801, 120 East 41st Street, New York, NY 10017.

No. MC–FC–73150. By order of October 18, 1971, the Motor Carrier Board approved the transfer to Richard W. Howard, Douglas Hill, Maine 04023, of the operating rights in permit No. MC–128118 (Sub-No. 2) issued June 5, 1967, to William J. True, Denmark, Maine 04022, authorizing the transportation of wood chips, in bulk, from Milford, N.H., to Westbrook, Maine.

No. MC–FC–73169. By order of September 13, 1971, the Motor Carrier Board approved the transfer to Hansen Bros. Transfer & Storage Co., Seattle, Wash., of the operating rights in certificate No. MC–59073, issued February 27, 1942, to George William Johnson, doing business as Hansen Bros. Transfer & Storage Company, Seattle, Wash., authorizing the transportation of household goods, as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, between Seattle, Wash., on the one hand, and, on the other, points in Hood River, Clackamas, Marion, Linn, Lane, Douglas, and Jackson Counties, Oreg., and those in Oregon west of these counties. Jack R. Davis, 1100 IBM Building, Seattle, Wash. 98101, attorney for applicants.

No. MC–FC–73210. By order of October 22, 1971, the Motor Carrier Board approved the transfer to New Breed Moving Corp., Deer Park, N.Y., of the operating rights in certificate No. MC–44538 issued April 30, 1957, to Rosebank Storage Warehouse, Inc., St. George, Staten Island, N.Y., authorizing the transportation of household goods as defined by the Commission, between points in New York, New Jersey, Pennsylvania, and Connecticut, on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. *Dual authority was approved.* Arthur J. Piken, 1 Lefrak City Plaza, Flushing, NY 11368, John Connolly, 513 Targee Street, Staten Island, NY 10304, and William D. Traub, 10 East 40th Street, New York, NY 10016, representatives for applicants.

No. MC–FC–73216. By order of October 19, 1971, the Motor Carrier Board approved the transfer to Hatboro Delivery Service, Inc., Warminster, Pa., of certificate No. MC–121550 (Sub-No. 1), issued March 25, 1968, to James C. Wetherill, doing business as Hatboro Delivery Service, Warminster, Pa., authorizing the transportation of: General commodities, usual exceptions, between points in a specified area in Pennsylvania, in a radial movement. Harry J. Liederbach, Attorney, 539 Street Road, Southampton, PA 18966.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-15861 Filed 10-29-71;8:47 am]

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